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PUBLIC LAND MANAGEMENT POLICY

ORIGINAL

COMPLETED

OVERSIGHT HEARINGS

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS AND NATIONAL PARKS

OF THE

COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
HOUSE OF REPRESENTATIVES

NINETY-SEVENTH CONGRESS
FIRST SESSION

ON

PUBLIC LAND MANAGEMENT POLICY

HEARINGS HELD IN WASHINGTON, D.C.
MAY 14; AND JUNE 2, 12, AND 23, 1981

Serial No. 97–8

PART I

Printed for the use of the
Committee on Interior and Insular Affairs

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PUBLIC LAND MANAGEMENT POLICY

THURSDAY, MAY 14, 1981

House of Representatives,
Subcommittee on Public Lands and National Parks,
Committee on Interior and Insular Affairs,
Washington, D.C.

The subcommittee met, pursuant to call at 10 a.m., in room 1324, Longworth House Office Building, Hon. John F. Seiberling (chairman of the subcommittee) presiding.

Mr. Seiberling. The Subcommittee on Public Lands and National Parks will please come to order. This morning we are holding oversight hearings concerning the policies which the current administration is adopting with regard to the public lands, the national parks, and the other matters within the jurisdiction of the subcommittee.

We will be hearing from the Secretary of the Interior today, Mr. James Watt. This is an appropriate time to begin these oversight activities, since the administration has by now had an opportunity to familiarize itself with the responsibilities and to address itself to the important matters which are presently on the Nation's agenda.

With the initial stages of the budgetary process behind us, for the time being at least, the Congress can also turn its attention to the way in which legislation is being implemented and to the changes in policy which are being discussed.

We hope to cover a broad range of topics this morning, allowing the Secretary and members of the subcommittee an opportunity to discuss a wide range of issues that fall within our jurisdiction. I think it is useful for us to take this opportunity to hold a hearing that is not intended to focus on any specific legislative proposals. Secretary Watt has clearly indicated his intention to take a number of policy initiatives, and the Department of the Interior has been the focus of some considerable attention in the press, as it is again today.

This hearing should provide an opportunity for all members to gain a better understanding of just where Secretary Watt and the administration stand with regard to important matters within his sphere of responsibilities.

I certainly welcome the Secretary to our subcommittee, and I wish to express to him for myself and on behalf of the members of the subcommittee, our appreciation for his taking time to be with us this morning.

Before proceeding, I will recognize the gentleman from Alaska for such opening remarks as he wishes to make. After all members' opening remarks, we will then proceed to hear from the Secretary and recognize members under the 5-minute rule in the usual alternations.

I now recognize the gentleman from Alaska, Mr. Young.

Mr. YOUNG. Mr. Chairman, I do have an opening statement but because of the press of time I would like to ask permission to make that after Mr. Lujan, the ranking member of the full committee, is given permission to speak. I yield to the gentleman from New Mexico.

Mr. LUJAN. Thank you, Mr. Chairman. I apologize for proceeding out of order but I was very interested in a statement by the Secretary of opening up billions of acres for leasing because he wanted to encourage 87 sisters instead of 7 sisters.

May I say, Mr. Secretary, that past policies have encouraged the formation of these 7 sisters, and I would like to ask you if you have any thoughts and what plans you might have where we might encourage the 87 sisters. I am sorry to proceed out of order but I have got to go to a markup. I want to ask you that.

STATEMENT OF HON. JAMES G. WATT, SECRETARY, U.S. DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY RUSSELL DICKENSON, DIRECTOR, NATIONAL PARK SERVICE

Secretary WATT. I am glad to do that.

I think with regard to the issue that you raise, Government policies of the past administrations have been so restrictive that it has not encouraged proper competition in the marketplace. Therefore, a very few companies have been able to crowd out the independent petroleum man and the smaller companies, and have bid up the prices to such an extent that unless you are a huge international company, you do not have the opportunity to compete for most of the OCS leasing activities of the past, so it is the restrictive policies of the past administrations that have brought into existence this condition that I do not think is as healthy as it should be.

I do not mean to be critical of it, but I think that we need to have more competition in the marketplace with more entities willing to provide energy for American consumers, and until we get better competition we are not going to be able to get the supplies that we need and the price down to consumers. So if the interest is to continue to keep prices high and crowd consumers, then we should stay with the policies of the past administration. If we want to bring competition in the marketplace and help consumers, then we must open up the resource base and allow that bidding process to hopefully bring increased supplies and hopefully in quantities that may help the consumer.

Mr. BURTON. Will the gentleman yield?

Mr. LUJAN. Certainly.

Mr. BURTON. Mr. Secretary, I think you are rewriting history somewhat. In the previous 40 years the Congress, as I recall—I was not on the OCS Committee—dealt with the problem of the limited ability of a few large corporations or corporations with great cash flow to bid in the OCS. We provided that oil be a biddable factor, and therefore I think it useful to have the record clarified at this point that we moved away from a cash bid only, cash as a biddable factor, and we permitted royalty payments also to be a biddable factor.

Would you not agree that this, then, did permit a wider range of organizations to bid on the OCS leases?

Secretary **WATT**. So far the record does not substantiate that motive and intention of Congress, which was good, but facts do not show that that modest effort, as well intended as it was, has accomplished the full purposes. The best way to approach that, Congressman, is to open up the resource base so that there can be leasing and access to the resource.

Mr. **BURTON**. You do not oppose royalty payments as a biddable factor as an option, do you?

Secretary **WATT**. This administration is pursuing those options in an aggressive manner to see which is the best way to do it.

Mr. **YOUNG**. If I may reclaim my time.

Mr. **LUJAN**. I want to thank the gentleman.

Mr. **YOUNG**. Mr. Secretary, it is a pleasure to welcome you back before this committee. I hope it is a constructive meeting. I hope it is considered by this committee to look for solutions and not for confrontation.

As you know, I identify with much of the philosophy that you have brought to the new position as Secretary of Interior. You have done an unbelievable job in setting a pace for addressing issues that need to be addressed after having been neglected by the past few administrations. And might I add that I believe I speak for this side of the aisle when I say that the importance of these issues to this Nation cannot be understated—your elevation of their importance indicates that you are a man of vision, who sees that we cannot solve international problems, we cannot solve our economic problems, and we cannot solve the problems that divide the East and West in our great country, until we tackle the hard questions that encircle our national public land policies.

The largest single landholder today is the U.S. Government. I am ready to tackle these questions head-on with you, and pledge my support.

We have spoken at great length about some of the issues that face our Nation in the area of resource development on public lands. I believe your sense of balance is one that addresses the large question that so plagued me during the Alaska lands issue last year. We have seen it happen before—the United States fails to be prepared with adequate resources, and then a conflict, or a disruption of vital resources occurs—Congress is forced to act, and the result is a no-holds-barred attempt to get at your own resources without forethought.

I do not want my State stripped of its wealth indiscriminately; I am sure that none of my colleagues wish that upon their respective States. That is why I believe that your policies are consistent with sound land management and environmental concern, rather than shortsighted vast claims on our resource-based lands. I like the idea that you accept the responsibility of your great office with such a sense of purpose, and with such an acceptable balance. Few other offices hold such built-in controversies as Interior Secretary, where you are asked to preserve lands for posterity while assuring that we have a sound development policy, consistent with our security and our continued growth.

You know, and I know, that if people cannot afford gasoline, or the nylon from which backpacks are made, they cannot enjoy the beauty of the lands we have set aside for them. I would like to work to insure that they can afford to get to the parks, so that our parks and public lands prove to serve the public they were designed for.

You have used the phrase "good neighbor policy" to describe your view of public lands stewardship—I like that phrase and welcome it. A good neighbor is what my own great State of Alaska needs desperately—the last neighbors we had kept us in fear of our lives, our liberty, and the pursuit of our happiness.

I also believe very strongly that since you have held that there should be no more land acquisition to complete the existing parks, we should move toward proposing appropriate boundary changes or deauthorizations of those areas. Otherwise, unacquired landowners are caught in an absolutely untenable position: They can not use their land as they wish, and they can not sell it either—to anyone, including the Federal Government. To be a good neighbor, this must be settled. I would like to work with you to expeditiously arrive at where we should change the laws, and where we should implement the existing laws and get on with the acquisition job. I believe that in the spirit of your actions since becoming Secretary of Interior, you will follow a course that is based upon logic and balance.

I look forward to the exchange of ideas today, and I look forward to discussing the range of land policy questions you have developed positions on. I believe in maintaining our land in a manner that serves its people in a wide spectrum of ways—I know that your beliefs are the same. I also believe that your Department will not work against the laws that Congress has passed, as some of your predecessors did.

In closing, I want you to know that I have been receiving letters, postcards, and telegrams from all over the Nation, from people who own their own land, from people who work the land, and from people who utilize public lands for employment and recreation—the vast majority of these pieces of mail about the new Interior Department lead me to believe that there are plenty of people on the land who like your good neighbor policy, and cannot wait for the policies to begin.

Again, Mr. Secretary, welcome to this committee, and I hope that this is a beneficial meeting and exchange of ideas.

Thank you, Mr. Chairman.

Mr. SEIBERLING. Thank you. Mr. Burton.

Mr. BURTON. Mr. Secretary, I join with my colleagues in welcoming you to the committee. Do you have a prepared statement?

Secretary WATT. Yes, I do.

Mr. BURTON. And you also have some time constraints, I have been led to believe; is that correct?

Secretary WATT. That is correct.

Mr. BURTON. You must be at the White House by 11:30?

Secretary WATT. Yes.

Mr. BURTON. Or is it 12?

Secretary **WATT**. The Cabinet meeting starts at 12.

Mr. **BURTON**. In the interests of getting down to the specific questions rather than dealing with a lot of rhetoric and hearts and flowers, I will reserve my time at this point, Mr. Chairman.

Mr. **SEIBERLING**. Does anybody else have a prepared statement on the minority side?

Mr. **CLAUSEN**. I think that we ought to conform to the time constraints, Mr. Chairman. I just want to say that I welcome the Secretary and I am sure that speaks for most of the people here. We welcome this opportunity to have this oversight investigation hearing.

Mr. **SEIBERLING**. Does anyone on my left have a preliminary statement they wish to make?

Mr. **KOGOVSEK**. Mr. Chairman.

Mr. **SEIBERLING**. Mr. Kogovsek.

Mr. **KOGOVSEK**. Just as one of the Representatives from Colorado, I want to welcome the gentleman from the great State of Colorado and look forward to his statement.

Mr. **SEIBERLING**. Thank you very much.

Mr. Secretary, if you are prepared to go ahead, you can go ahead with your statement, and I would ask the staff to pass out copies.

Secretary **WATT**. Thank you, Mr. Chairman. I do have a prepared statement that I would like to ask be put in the record in its entirety and for the sake of time I would like to delete certain portions of it and just read highlighted paragraphs.

Mr. Chairman, I would also like to take this opportunity to thank you for your personal phone call of several days ago setting this hearing up, and our intended purpose, based on that conversation, was to give us an opportunity to set the record straight as to what this administration's intentions are, if we can get concurrence of the Congress, and it is in that spirit that I have prepared the statement, and I hope that it will be of mutual concern.

I want to use this opportunity again to state the position of the Reagan administration, and the course of action we are committed to pursue, in the protection of America's wildlife, natural, and historic resources. To present this statement with me, I have a friend of this committee, Russ Dickenson, Director of the National Park Service. Russ and I work closely to implement some of the things that I want to talk about.

I again say that this administration does not now have, nor has it had, a "hit list" of national parks or other areas which the Department would request the Congress to deauthorize. Further, there is no plan at this time to develop a "hit list."

I again say that this administration has never intended to sell the national parks or any portion of them.

I again say that this administration has never intended to change, nor are we going to ask Congress to change, the law to allow drilling for oil in the national parks, or mining in the national parks, or logging in the national parks. As you are well aware, the Congress has allowed a variety of economic pursuits, as well as hunting and fishing, in some units of the National Park System, and we must of course be responsive to the mandate of the Congress in these areas under existing law.

Now that I have repeated what we are not going to do, let me tell you what we intend to do.

First of all, I see my role as Secretary as that of carrying out within the Department of the Interior the President's economic program. This means:

Writing a tight budget to eliminate unnecessary expenditures;

Placing greater reliance on the private sector and State and local governments;

Developing cost-effective management;

Setting clear priorities that allow the Department to focus on the most important elements of its mission; and

Undertaking no programs that cannot be applied equitably nationwide where similar conditions and needs exist.

This administration will seek to:

Reduce the total cost of acquiring Federal lands;

Find creative new strategies for protecting and managing resources;

Keep more land within authorized areas in compatible private uses;

Improve relations with local communities;

Reduce the cost of managing Federal areas;

Encourage more cooperation with the private sector; and

Allocate available Federal funds to meet highest priority national resource protection goals.

Mr. Chairman, you have heard me speak of my strong feelings with respect to stewardship.

A good steward of the public lands takes care of what he has before he reaches out for more. This administration will be a good steward.

It is perfectly obvious that the national park system has grown in the past several years far beyond its capacity to manage what Congress has forced it to acquire.

Some observers of the so-called park-a-month program have dubbed it park barrel politics. That may be an appropriate description of the uncoordinated growth of a system that was intended by its creators to protect the truly unique crown jewels of our vast natural resources.

As this committee by now probably knows, the General Accounting Office has issued a report on the condition of our national parks. GAO finds the condition to be deplorable. The park visitor and employee may be subjecting himself or herself to conditions which do not meet Federal or State health and safety standards. GAO says it will take $1.6 billion to bring the park system's infrastructure up to the needed health and safety standards.

While past administrations have reached out for more and more land, the magnificent national parks already in the system have been allowed to deteriorate. Because limited funds have gone entirely to a helter-skelter system of land acquisition, the parks in the System, and their physical condition, found no favor.

The GAO report documents a park system that is quite literally falling apart because past administrations and past Congresses have been so intent on grabbing more land that proper concern for stewardship has been neglected.

The GAO report is not the only voice calling for stewardship. The Reagan administration is calling for good stewardship. We call on the Congress and the special-interest groups as well as the American people to assist us in our efforts to restore and improve our national park system.

The National Park Service has been surveying its facilities to determine where best to spend the additional $105 million requested from the land and water conservation fund for park restoration. It has found that the fundamental infrastructure of the parks has deteriorated. Buildings and sidewalks are crumbling, sewer systems are failing, tunnels are in danger of collapse. In short, the physical foundation of park facilities throughout America is the victim of poor and shortsighted stewardship.

When I spoke to the Senate Public Lands and Reserved Water Subcommittee on May 14, I apologized to the American people on behalf of the Department and of forces on both ends of Pennsylvania Avenue which in their misplaced enthusiasm could cause the collapse of the very thing we seek to preserve. I think that that apology must again be stated, for it is shameful.

We must make funds available for the preservation of our park system.

I would like to take this opportunity to urge your support for the enactment of S. 910, which was introduced in the Senate on April 8, 1981.

And I understand yesterday H.R. 3586 was introduced by Congressman Lujan, a similar bill. It would be our hope that this committee would act quickly and in a supportive manner so that we can get on with the business of being good stewards. I am sure you are aware, those of you that have had a chance to look at these bills, that they would amend the Land and Water Conservation Fund Act of 1965 to authorize funding for the restoration and improvement of units of the national park system, the National Forest System, the National Wildlife Refuge System, and authorized areas administered by the Bureau of Land Management. Appropriations from the land and water conservation fund for Federal purposes are presently limited, in effect, to land acquisition by these agencies.

As was mentioned in the Senate Public Lands and Reserved Water Subcommittee just last week [May 7, 1981], the original provision in the Senate version of the land and water conservation fund authorization allowing developmental uses of the fund on the Federal side was dropped in conference. Based upon my reading of the legislative history, however, I feel compelled to point out that the reasons articulated for dropping developmental purposes were largely related to notions that allowing them would detract from funding normally available for such purposes.

As is all too clear, there is every reason to believe now that those fears were totally unwarranted. The deplorable state of our parks and recreation estate is a stunning symbol underscoring the need to develop, restore, and improve that which we have been given to protect.

I believe these bills are within the intent of the Land and Water Conservation Act even as it stands today. The very first section of the act indicates that a major purpose of the fund is to provide funds for development of certain lands and other areas, as well as development of needed land and water areas and facilities. Although as I have indicated, no specific authority is presently provided for restoration and improvement of Federal lands, I feel that now is the time for a significant effort in the restoration and improvement area, and that such an effort can quite easily be reconciled with the fundamental purposes of the land and water conservation fund.

Unfortunately, as you know, we have in the last few years experienced a period of expanded Federal acquisition bankrolled by the land and water conservation fund. Since the fund's inception, more than 2.8 million acres of land have been purchased by the Federal Government at a cost in excess of $2.5 billion. The 95th Congress surpassed all previous records in passing an omnibus park bill which authorized an incredible $1.2 billion in spending on some 100 parks and projects in 44 States.

The House of Representatives in the 96th Congress passed yet another $100 million-plus omnibus park bill. In addition, the Alaska National Interest Lands Conservation Act of 1980 vastly increased the size of the park system. As if this were not enough, the Secretary of the Interior is required by law to submit to Congress an annual list of at least 12 areas which may have potential for inclusion in the national park system. As you may know, this administration has asked that this requirement be repealed, although several congressionally mandated studies will be submitted. Normally, Congress authorizes new park areas in one bill and provides appropriations in separate legislation. As a result, estimated acquisition costs at the time of authorization are usually obsolete by the time Congress appropriates actual funding for purchases. As the GAO has pointed out, Federal agencies regularly exceed original cost estimates for purchasing land, and acquisition costs of projects are typically far beyond original estimates.

The basic problem that we face today on our public lands is a direct result of the failure to adequately maintain what we have, to the point where the GAO stated in October of last year that the Park Service and its concessionaires are sitting on a health and safety maintenance backlog far in excess of $1 billion. If you just look at the gross numbers, Mr. Chairman, I think you can clearly see where our priorities must be. The health and safety backlog simply has to be addressed. The Department of the Interior has a statutory responsibility to protect the health and safety of the public as well as to maintain and restore deteriorated facilities.

The park system presently encompasses 327 units and 72 million acres, with over 220 million visits logged in 1980. And there is no question but that our facilities and recreational resources are deteriorating throughout the system. Both the Congress and the GAO have supported these conclusions for several years. For example, in the appropriations bill for fiscal year 1981, the Congress added $16.5 million for maintenance and specifically mentioned health and safety deficiencies pointed out by the GAO.

In a May 27, 1978, report to Congress entitled "Federal Protection and Preservation of Wild and Scenic Rivers Is Slow and Costly," the Comptroller General pointed out that many wild and scenic acquisition programs were extremely costly because of ineffective and unreasonable agency planning. In a June 19, 1979, GAO report entitled "Review of Urban National Recreation Area Programs," the extreme cost of acquisition and management of urban areas was discussed, as well as the lack of need for acquisition in many cases.

Perhaps the most extensive GAO report addressing excessive acquisition was that of December 14, 1979, entitled "The Federal Drive To Acquire Private Lands Should Be Reassessed." This report, as I am sure you are well aware, raised critical policy questions regarding how much lands should be owned by the Federal Government and called for the establishment of a national land acquisition policy.

Various GAO reports have also addressed the propriety of fee acquisition as a tool to manage endangered species, as well as other issues peripheral to the land acquisition question. In that connection I would just mention the report of May 14, 1980, entitled "Federal Land Acquisition by Condemnation, Opportunities To Reduce Delays and Costs," and the report of July 16, 1980, entitled "Changes in Public Land Management Required To Achieve Congressional Expectations."

In the face of the need for a major redirection, I have placed a moratorium on land acquisition and would seek your support in expanding the developmental purposes of the land and water conservation fund to include restoration and improvements. The focus for fiscal year 1982 is on the Park Service. I would stress, however, that over time we fully intend to address similar problems in all agencies benefiting from the land and water conservation fund.

There are good reasons for focusing on the Park Service first. As you know, the park system contains some extraordinary national treasures such as the Grand Canyon, Yellowstone National Park, and monuments here in Washington. These treasures are part of our national heritage and are a source of pride for all Americans. As already mentioned, an imbalance has developed between acquiring new parks and maintaining those already in the system. That imbalance can be directly attributed to the fact that while the land and water conservation fund has been used to acquire more lands, the funds necessary to rehabilitate or repair badly deteriorated, even unsafe, facilities have not increased in proportion to the increased size of the system.

Mr. Chairman, I would like to have your attention on this, please. Because of a relatively assured source of funding for acquisition, lands whose national significance is questionable have been acquired while parks whose significance is unquestioned have deteriorated badly.

This situation, Mr. Chairman, must not be allowed to continue. The paramount need addressed in the President's economic recovery package to reduce inflation and develop a healthier national economy will not permit us to continue even the present budget levels for the combination of acquisition and stewardship activities.

Continuation on the present course of preponderant stress on acquisition would be fiscally irresponsible and would insure a further degradation of our present national park system and other land management areas. We should seek to become good stewards of the lands and facilities we own before we acquire more. Accordingly, I have recommended for fiscal year 1982 a decreased emphasis on land acquisition and an increased emphasis on restoring and improving park facilities and resources to enhance the experience of visitors in our national parks.

We believe it is appropriate for park restoration and improvement needs to be covered by the fund because park acquisition and development are complementary activities. Federal surface management agencies of this Department in the past have mistakenly viewed the fund as "free money" which was independent of normal budget scrutiny. Acquisition of new parkland, however, generates a need to improve, and later maintain, park access and facilities while preserving the nature of the park itself. As the GAO points out, acquisition has far outpaced restoration and improvement activities. Budgeting for both these activities within the land and water conservation fund will insure a conscious balancing of our stewardship responsibilities with the desire to acquire additional lands.

The authority in these two bills, S. 910 and H.R. 3586, will allow appropriate budgetary review of this administration's initiative to begin restoring, rehabilitating, and improving the facilities and cultural resources we now have. The need for this initiative is an outgrowth of previous emphasis on stewardship as defined in policies intended to remove land from public access and use.

Stewardship, under this administration, will no longer be equivalent to preservation of the deteriorating condition of the National Park Service. I view stewardship as the responsibility to maintain parks, refuges, and other public places for the balanced use of all Americans, and I see these marvelous resources as a reservoir for the recreational use of our citizenry as a whole.

Our immediate stewardship initiative, of course, is the $105 million fiscal 1982 budget amendment for the National Park Service. The amendment includes $18 million for relatively small-scale nonrecurring health and safety projects such as fire protection, roadside guardrails, and rehabilitation of drinking water and waste treatment facilities. The request also includes $29 million for cyclic repairs to prevent hazardous conditions from occurring due to substandard maintenance, and $10 million to prevent the deterioration of cultural resources within the parks. The final portion of the amendment includes $48 million for 24 capital improvement projects. Many of these projects are designed to correct existing health and safety problems. We will provide for the record if you wish, Mr. Chairman, a detailed justification of the $105 million budget amendment.

The amendment does not represent an exhaustive list or a quick fix for all the present problems in our national parks. Much will still remain to be done. In that connection, I would emphasize that this proposal is part of a 5-year effort calling for a total of $525 million for restoration and improvement. I do believe, however, that this budget amendment contains as much new work as can efficiently be accomplished in the coming fiscal year.

My testimony has focused principally on why the National Park Service needs the authority proposed in S. 910. Similar arguments can be made on behalf of the Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management. Restoration and improvement funding from the land and water conservation fund is now being sought only for the National Park Service due to fiscal constraints and because the parks contain the highest priority requirements within this Department. In future fiscal years, we anticipate that the other land-managing agencies will, likewise, seek similar funding to nourish the resources under their jurisdiction.

Mr. Chairman, this is a time of change and reorientation of national priorities. I look to you and the members of your committee to work with us in forging a new direction in preserving our Nation's resources. The enactment of S. 910 is a first step toward a sensitive, balanced approach to conservation and management of a vast array of public land resources unparalleled in the world today.

The challenge before the Department of Interior and indeed this committee of Congress is to embark upon a course calling for stewardship. We must take care of those treasured lands that Congress has identified for preservation for the benefit of people, and I am embarrassed, I am ashamed of the record that is before you. I apologize at the condition of the Park Service that we have inherited as a new administration, but with Russ Dickenson's leadership, and with our commitment, there will be a change.

We will bring stewardship to the management of the National Park Service, so that the American people and foreign visitors can come to see these beautiful preservation areas and enjoy them without fear of their health or safety, because of deterioration and degradation of that system. And so I appeal to you to join us in that effort. I appeal to the special-interest groups to join us to be good stewards. I appeal to the American people. We need help, and I hope that we can forge that partnership to be successful.

Mr. Chairman, that is the record from which we must commence operating. Those are the objectives of this administration, and I am grateful to you for calling this hearing so that we could set that forth and ask you to join with us in what we think is an urgent call for action.

Mr. SEIBERLING. Thank you, Mr. Secretary. You have made a very clear and forceful statement of your position. I am delighted we have provided you with such an effective forum in which to expose it in this manner.

Secretary WATT. Thank you.

Mr. SEIBERLING. As you know, the immediate occasion for my call to you, asking you to come to such a hearing, was the letter that I received from you dated April 20 in which you stated what you have now restated, that the administration does not have at present any plan for deauthorizing any of the congressionally authorized units of the national park system, and I am gratified to learn that.

You also advised me in that letter that you would ask the national park system Advisory Board to make recommendations to you on that subject, and of course we look forward as you do to having their recommendations.

Secretary WATT. Mr. Chairman, they asked if they could do that. I did not request their action on that point. It was their consensus, as I pointed out in that letter to you, that there was an inclusion of areas that they thought should not be, and I said if you feel that way then maybe you will want to give us advice and counsel.

Mr. **Seiberling**. Thanks very much.

I asked Mr. Dickenson about 10 days ago or 1 week ago if I could have a copy of the minutes of that meeting. I still have not gotten them, and I am told they had to refer the matter to higher authority in the Department, and I again asked the Department last night if I could have a copy of the minutes, and I still do not have them. It would be helpful in evaluating exactly what their position is, and I would hope that you would make that available to us.

Secretary **Watt**. Mr. Chairman, just a minute.

Do we have the minutes of that meeting, Russ?

Mr. **Dickenson**. This is the excerpts.

Secretary **Watt**. Are there minutes available?

Mr. **Dickenson**. Not completely, just a statement.

Secretary **Watt**. What we have here is a transcription of my statement to the advisory group.

Mr. **Seiberling**. I have a copy of that, but I do not have the minutes of the meeting.

Secretary **Watt**. Are there any minutes prepared?

Mr. **Dickenson**. The entire minutes are not completely available yet, Mr. Chairman. They are still being processed, and all that is available are the excerpts which relate to the Secretary's remarks about the Advisory Board.

Secretary **Watt**. I would appreciate very much having a copy of those at the earliest convenient time. When do you expect they will be ready?

Mr. **Dickenson**. The minutes? The total minutes? Perhaps in another 2 or 3 weeks, I believe, Mr. Chairman. They are rather voluminous, and are being transcribed and will be printed, and so somewhere in that vicinity I would think.

Mr. **Seiberling**. I assure you that this committee will have the transcript of this meeting long before such a time lapse, and I would hope the Department could be at least as expeditious.

Mr. **Dickenson**. Thank you, sir.

Mr. **Seiberling**. Mr. Secretary, as you know, the reason I called you, after receiving your letter, was because the same day I received it, which was April 27, I had brought to my attention a copy of a memorandum from Assistant Secretary-designate Ray Arnett to the Director of the National Park Service and the Director of the Heritage Conservation and Recreation Service, which gave quite a different impression than your letter did, and I am going to ask unanimous consent to put both your letter and the memorandum of Mr. Arnett in the record at this point.

[The memorandum; the letter from Secretary Watt to Chairman Seiberling, dated April 20, 1981; and the Washington Post article entitled "Shaping Up the Park System" follow:]

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Memorandum

To: Director, National Park Service
Acting Director, Heritage Conservation and Recreation Service

From: Assistant Secretary Designate for Fish and Wildlife and Parks

Subject: History of Your Agencies' Opposition to Congressional Designation and Creation of New Areas within the National Park Service

Please review the files with respect to national recreation areas, lakeshores and seashores. Of principal interest are those areas created over the last 10 years by Congress over the objection of the agency. Please compile this by area. Examples - specific statements in testimony by the agencies raising objections to the creation of areas; documents (studies) internally that address the problem.

In addition to the specific documents on specific areas, please research the files to identify generic materials expressing concern with the expansion of the system in previous Administrations. Documents expressing concern with the designation of NRA's absent any organic act respective of that classification. I would appreciate a prioritization of research. First focus on Santa Monica Mountains NRA, secondly on Cuyahoga Valley NRA, then Fire Island NS, Indiana Dunes NL, Sleeping Bear Dunes NL, etc.

Please provide this material as soon as possible as it will provide a basis for assessing historic objections to the creation of areas now within the federal estate.

Arnett

THE SECRETARY OF THE INTERIOR
WASHINGTON

April 20, 1981

Honorable John F. Seiberling
House of Representatives
Washington, D.C. 20515

Dear Mr. Seiberling:

On Saturday, April 11, the Washington Post ran an editorial that I think presents an interesting thought. Even though the editorial is somewhat critical of the positions that I have recommended, I think they have created a significant challenge to those who honor and respect the National Park System.

It is the first time to my knowledge that a major newspaper has suggested that the executive and legislative branches of the Federal Government consider deauthorization of those additions to the Park System which do not now qualify as nationally significant. While this Administration does not have a plan for deauthorizing any of the parks, I think it would be irresponsible of me and of members of Congress to not listen to the advice of those who do care about the integrity of the National Park System.

The National Park System Advisory Board met this last week and on their initiative presented a consensus opinion that there had been too many recent additions to the National Park System which did not have a national significance. Because they felt so strongly on that point, I asked this group of nationally recognized volunteers to make recommendations concerning the future of the National Park Service and its role in preserving those nationally unique areas of critical importance to the enjoyment and benefit of this and future generations. I will share with you the recommendations and advice of the advisory group.

Enclosed you will find a copy of the Washington Post editorial.

Sincerely,

James G. Watt
Secretary

Enclosure

Washington Post

April 11, 1981

Shaping Up the Park System

THERE IS a superficial logic in the plan Secretary of the Interior James Watt has proposed for the national parks system. He wants to fix up the parks that already exist and halt, at least temporarily, the acquisition of new park land. Given the condition of many of the great national parks—shabby is the right word—and the vast expansion of the park system in the last decade, the idea seems to make sense.

As with many such ideas, however, there is a problem. The government has a backlog of about a billion dollars' worth of land that Congress has said it wants to buy for the park system. This includes not only many recently authorized parks but parts of such established parks as Redwood and the Cape Cod National Seashore.

The people who own that land are mostly waiting to get their money; there isn't much of a market for land the government has said—it is going to take. Under Mr. Watt's proposal, these owners will simply have to continue to wait—which, in some cases, will make them happy—while the value of their land appreciates. The ultimate cost to the taxpayer, of course, is likely to be much higher in 5 or 10 years than it is now.

Mr. Watt is right in claiming that there is a need to reevaluate the whole park system. The "park barrel" did seem to replace the old pork barrel in recent sessions of Congress when members began to prefer parks to dams in their home districts. But the way to handle that reevaluation is for Mr. Watt and his experts to recommend to Congress which parks should be de-authorized.

In the meantime, it would be wiser to spend whatever money is available buying land the Park Service knows it will need than to scrub the buying program in favor of refurbishing the older parks. The public has put up with the shabbiness of some of those areas for a good many years now and can continue to do so for a while longer. Any appreciable delay in the acquisition program increases the risk that the land will never be bought and that it will be used in ways incompatible with a park before the government gets around to obtaining it.

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Best Available Copy

Mr. **Seiberling**. I would like to read the appropriate part of the Assistant Secretary's directive or memorandum, which was addressed to the Park Service Director, as I have indicated. The subject was "History of your agency's opposition to congressional designation and creation of new areas within the National Park Service," and it says:

> Please review the files with respect to national recreation areas, like shores and seashores. Of principal interest are those areas created over the last 10 years by Congress over the objection of the agency. Please compile this by area. Example: Specific statements and testimony by the agencies raising objections to the creation of areas, documents, studies internally that address the problem.
>
> In addition to the specific documents on specific areas, please research the file to identify generic materials expressing concern with the expansion of the system in previous administration. Documents expressing concern with the designation of NRA's absent any organic act respective of that classification. I would appreciate a prioritization of research. First, focus on Santa Monica Mountains NRA; secondly, on Cuyahoga Valley NRA, then Fire Island National Seashore, Indiana Dunes National Lakeshore, Sleeping Bear Dunes National Lake Shore, et cetera.
>
> Please provide this material as soon as possible as it will provide a basis for assessing historic objections to the creation of areas now within the Federal estate.

The National Park and Conservation Association, who are the ones that disclosed this memorandum to me, issued a press release about it—and here is what their statement was:

> Based on a recent Interior Department memo, we are convinced that the Reagan Administration plans to target upon units of the national park system for deauthorization.

Now, whether that is a correct inference or not, it certainly is one that is a reasonable one from that memorandum, and of course this raised questions as to just how the administration was going to approach this subject. That is why I called you. I am pleased that you have reiterated that you have no "hit list," which puts that issue to rest; I would, however, like to make a comment which I was going to put in a letter to you when I first received your letter, but I decided that, in view of the doubts that have been raised, I would wait until we could have this meeting.

First of all, you enclosed with your letter a copy of the Washington Post editorial which you read as suggesting that the Park System should be reviewed and that we should not make any further acquisition until that time. Of course, I read it a little differently. I read the editorial——

Secretary **Watt**. Mr. Chairman, that is not the interpretation I give to it, because it is quite different than that. It is critical of my position. If you read it as I do, we may not have the conflict that you suggest.

Mr. **Seiberling**. Yes; well, your letter is going to be in the record.

Secretary **Watt**. Good.

Mr. **Seiberling**. But let me say that what you indicated was that, and I quote:

> It is the first time to my knowledge that a major newspaper has suggested that the executive and legislative branches of the Federal Government consider deauthorization of those additions to the Park System which do not now qualify as nationally significant.

And, of course, as I was going to indicate, I do not read it as suggesting that any of the additions do not qualify as nationally significant, but merely that it would be appropriate for the new administration to make such a review, and of course the letter goes on to say that in the meantime we ought to proceed with the acquisition of the already congressionally mandated parks in order to prevent the escalation of costs and the jeopardizing of threatened land in the meantime.

While I have not participated in the hearings and subcommittee markup with respect to every one of the additions to the park system that have been made over the last 10 years, I believe I can safely say that in the great majority of cases Congress made the determination that the particular addition was nationally significant at the time Congress enacted the authorization. I know that to be the case with the Cuyahoga Valley national recreation area, the one with which I am most familiar.

In the hearings which led to the enactment of the authorizing legislation, which was signed into law by President Ford, considerable emphasis was placed upon the biological, historical, unique aspects of the valley which were of national significance, and the record is replete with factual data supporting these conclusions.

Moreover, the Committee on Interior and Insular Affairs was concerned not only with preserving important resources but in carrying out a national policy of providing, where feasible, units of the national park system within easy access of the Nation's major population centers. This policy, which was originated by Secretary Rogers Morton and President Nixon was characterized by them as "putting the parks where the people are."

Congress adopted and enlarged the original concept to include not only the two Gateway projects in the New York and San Francisco metropolitan areas, but also the additions to the Indiana Dunes National Lakeshore, the new Cuyahoga Valley national recreation area, the new Chattahoochie River national recreation area, the new Santa Monica Mountains national recreation area and the Lowell National Historical Park. The congresssional policy was stimulated by the energy crisis and the realization that for many millions of Americans the opportunity to visit the older traditional national parks might never occur.

Congress deliberately articulated a national goal of making the national park system more accessible to these people by bringing it into suitable areas within relatively easy reach, and what is more, in many cases they did it over the objection of the Park Service and with knowledge of that objection and overruling that objection and making the finding that in the opinion of Congress, they were of national significance. And I presume that in the end it is the Congress, with the signature of the President, that sets the policies, not the Secretary of Interior.

I think it is important to reassure the public at the earliest possible time—if the gentleman will give us a little order——

Mr. YOUNG. I am talking to your ranking member of the Park Service on the other side.

Mr. SEIBERLING. I think it is important to reassure the public at the earliest possible time that the Federal Government does not intend to abandon that objective, and to that end this committee, in its recommendations to the House Budget Committee and on the initiative of the ranking minority member of this subcommittee, approved a 5-year program for completing the already authorized Federal land acquisition under the land and water conservation fund. In so doing, we recognized that commitments have been made and hundreds of millions of dollars will be spent in fulfilling them, and I personally believe that it would be false economy and bad policy to raise doubts now as to the willingness of the Federal Government to fulfill these commitments. I just felt this was an appropriate time to get that in the record. I recognize the gentleman from Alaska.

Mr. **YOUNG**. Mr. Chairman, with all respect to the chairman, the reason I did not interrupt was because it was a good statement. Maybe you should have changed places with the Secretary. He will be able to respond to that.

Mr. **SEIBERLING**. I will be happy to do that at some future time.

Mr. **YOUNG**. We would rather not. I said just for testimony.

Secretary **WATT**. I do not think the President would be too pleased.

Mr. **SEIBERLING**. In another administration.

Mr. **YOUNG**. Mr. Chairman, just for the record, the reason I was frowning, that is why the ranking member on your side, the leader of the park omnibus bill, that large one we passed last year, which was in the testimony of the Secretary.

Mr. **BURTON**. Which you supported.

Mr. **YOUNG**. No; I very reluctantly did not support it.

One thing I would like to stress, we have many members here and I think it is important, Mr. Chairman, we keep the 5-minute rule. In deference to the chairman, we did allow him to go on, but otherwise no one will get their questions out.

Mr. **SEIBERLING**. Thank you. I sometimes get carried away.

Mr. **YOUNG**. I understand that. The "John and Don Show" have gone on for many years and I recognize that. I have great respect for the chairman.

Mr. **SEIBERLING**. I recognize the gentleman.

Mr. **YOUNG**. He did not say he had respect, but he recognizes me anyway.

Mr. **SEIBERLING**. I like him very much.

Mr. **YOUNG**. Mr. Secretary, I have only one question. I have many questions here. In deference, I will submit them to you in writing, but the one question—and let me compliment you. Anyone that can raise the ire of the propaganda sheet called the Washington Post has my deepest respect. I have no respect for that newspaper. I have not and will not have any in the future. I have watched what they have done with the latest Pulitzer Prize and it verifies what they have done in the past.

I read an article today by Joanne Omang, "Watt Finds Time To Hear Audubon Society," and they make a charge, I believe Rupert Cutler, the man who was head of the forestry division, that not one person ever raised a question about his nomination, but there has been great question raised about the other side, and I am a little bit disturbed about the way this paper leans one way without presenting the facts. I would just like to ask you to comment upon that article that you had a closed-door policy, would not meet with them, et cetera, et cetera. And could you clarify that so we can lay the record straight on really who the villain is in this whole program?

Secretary WATT. I am not sure there are any villains.

Mr. YOUNG. I hope not.

Secretary WATT. We have had an open-door policy that has been very beneficial to the Department of Interior, because, frankly, I have needed an education. That was pointed out to me in the Senate confirmation hearings, and Senator Chafee of Rhode Island pointed out that I was really a Westerner, and indeed I am. Everybody has to be from somewhere, and I come from the West.

So I quickly put together a breakfast series and Senator Chafee was the first one to invite the guests, and he brought down a group of eight people from Rhode Island and he had the agenda, and we had the Audubon Society present from Rhode Island, and another environmentalist, fishing group, sportsfishing group there, and it was such a beneficial meeting and I learned so much, the Under Secretary and I both, that we commenced a program of outreach to the special interest groups, so that we could learn and so that we could have their ideas and input. It has just been an exceptionally fine program as we bring a group or two in each week for breakfast, and I have benefited from it repeatedly. We are going to continue that active program.

We have had varying degrees of success with our open-door policy, I must add. I have found that those volunteers who come from their respective home areas with a specific purpose, specific project, a specific concern, are very helpful to us, because they are talking about something of real concern and urgency. We have been able to direct the right Government officials to work with them, and I think have been able to move the program aggressively.

I have had—and this is getting to the article—varying degrees of success with some of the other groups. I started in December and I met with a group of conservationists, environmental groups, the Audubon Society, specifically four or five members of the Sierra Club, that whole host of those interests. We met in December after the President announced his intentions to nominate me. I had a series of meetings with Mike McCloskey—a series, I do not want to overemphasize it, two or three meetings plus phone calls, with the president of the Sierra Club.

In fact, I bought his lunch the last time he came to my private office, and had I known what he was going to do about his membership drive, I would have canceled his dessert. He has not come back. I am hoping that he will accept an invitation, but I am a great asset to his membership drive. I am sure that once that is successful he will come back and be concerned about resource issues and we will get back to our dialog.

The Audubon Society, I have had meetings in December with them. I had a meeting in February-March with Bill Butler and then in May, as that article properly tells, I had a meeting with Russ Peterson and Rupe Cutler. I thought it was a very progressive meeting, a very good meeting. I enjoyed it. I learned. I have got a lot to learn. I am meeting tomorrow morning and I think Rupe is coming down to that one again, and generally throughout it has been great. I am hopeful that more people will come with specific projects.

I do not really gain a lot by people coming to congratulate me and just a get-acquainted meeting. I want to move in and focus on the issues, and I do not need to be chewed out or complimented. I need to be addressed, have my attention focused and addressed to those issues of concern. For the most part, it has just been a phenomenally successful program. I am pleased and I am learning. Some of you people will be pleased to know I am learning.

Mr. YOUNG. I thank you for that answer, Mr. Secretary. I have been told that my 5 minutes is up. If it is up, Mr. Chairman, if it is not up, Mr. Chairman, I will yield to the gentleman from California, Mr. Pashayan.

Mr. SEIBERLING. It is up, and I think maybe we had better try to follow the rule.

Mr. YOUNG. Fine. I started it and that is the way we will live, by the sword.

Mr. SEIBERLING. Before I recognize the next member, Mr. Watt, in the interests of time and also the fact there are probably more questions than there will be time for you to answer, would you be willing to accept some written questions which you could then supply the answers to, and we will include the answers and the questions in the record.

Secretary WATT. I will be glad to, Mr. Chairman.

Mr. SEIBERLING. Thank you.

The gentleman from California, Mr. Burton. Let me just say, before I start counting time on him, that I am really proud to be the successor in this subcommittee to Mr. Burton, who I think created a record of unparalleled devotion to the national park system and to the interests of outdoor recreation, and whose achievements are so legion that no person could hope to possibly emulate them in the same timespan, but I am going to do what I can to try.

Mr. BURTON. Thank you, John.

Mr. Secretary, I am grateful for your recognition of some of our convincing efforts in the last 4 years with reference to additions to the national park system. You, I think, and your predecessor, share some qualities and perhaps even share some latent antagonisms in that I think both you and Cecil Andrus are charming and witty and bright, and neither of you have a barber bill worth anything more than a centime every year.

Mr. Secretary, I will have my questions in three severable and distinct parts.

Secretary WATT. You have already made me nervous.

Mr. BURTON. I understand that. That is what George Shultz said once. He said, "My God, the minute you open your mouth I begin to quake." But that was on the Labor side.

Mr. Secretary, you will have an announcement, I am led to believe, after today with reference to the GGNRA. I see no point in pursuing that at this point unless you would prefer to make a statement at this time.

Secretary WATT. I am not familiar with your question. I do not have an announcement on GGNRA. I am being advised that I have an interview with a reporter from the San Francisco Examiner.

Mr. Burton. At which time you are going to deal in some depth with your views with reference to the GGNRA; is that correct?

Secretary Watt. I will probably be as evasive as I try to be with the press in most instances.

Mr. Burton. We will encapsulate this so we do not take up too much time. I gather, for lack of a better way to put it, those of us who are concerned about this great unit of the park system have some reason to believe that the GGNRA is in its mother's arms; is that a fair statement?

Secretary Watt. The GGNRA is in its mother's arms. It can be happy in its work. It is alive and well. The GGNRA is not happy, and it is a tragic situation on stewardship in that Russ had told me——

Mr. Burton. Oh, I would agree with that. I am going to get to that next, on funding.

Secretary Watt. Let me really hit it hard now, OK?

Mr. Burton. We are in full agreement on that.

Secretary Watt. I am greatly disturbed about GGNRA and others, and Russ has brought to me the list of work that he wanted to accomplish with the additional $105 million I am asking you folks to give us. I wanted to have something that was going to be more noteworthy, but he comes to me and outlines a series of needs for sewage treatment plants, roads, buildings falling down, sidewalks, GGNRA, and things like that.

Mr. Burton. Just take $600,000 to eliminate the sand dunes so we can turn it into the picnic tables we have been trying to do for a couple of years.

Secretary Watt. It is disgraceful.

Mr. Burton. I know it is.

Secretary Watt. I hope to be a good steward and I suggest Congress and the administration——

Mr. Burton. Pass a letter around urging the Budget Committee, Appropriations Committee to provide the funding that will deal with part of that program.

Secretary Watt. Right, thank you.

Mr. Burton. My observation, prompted by an earlier statement of yours, is that you would be making a tragic error in terms of the public interest if you moved away from the optional royalty bid as a factor. It has worked well in our State. It will produce more revenues in the long run, and it eliminates what was a problem, to wit: Oil companies with large cash reserves were the only ones previously in a position to bid for some of the offshore leases.

Some companies do not have the cash to put up front, but they are willing to give the taxpayers in the country a better share of that which is produced, and I think a mix in that direction was a salutary step, and I would think you would be under significant and justified criticism if you departed from allowing for that kind of mix.

Mr. Secretary, I did not frame that in terms of a question.

Secretary Watt. I wanted to come back to GGNRA. Are you going to go back there?

Mr. Burton. No; we will do that this afternoon.

The next point—we do not want to start getting contentious now, do we?

Secretary Watt. I just did not want you to abandon GGNRA.

Mr. Burton. No; I won't, you can bet on that.

Mr. Secretary, for the life of me, I cannot sort out—and I am sure there must be a rationale—as to why the land and water conservation fund money authorization change is needed when you have existing authorizations to provide this $105 million. Only about half of the land and water money that is authorized, is appropriated, and about half of the appropriated amount goes to the States and about half, roughly speaking, is available to the Federal Government for land acquisition. That is roughly accurate.

Therefore we do not use up all the current land and water funds on land acquisition. That is one end of this situation, but the other end is land and water moneys must be appropriated. They show up in your budget.

But apart from that, I do not understand why you seek this change in authorization of land and water fund. We have, from a conservator point of view, resisted letting the land and water fund be a cookie jar which has been unpopular with a number of our colleagues. In view of this, can you tell me why you are seeking this change in authorization when you already have an existing authorization?

Secretary Watt. Yes.

Mr. Seiberling. The time of the gentleman has expired.

Mr. Burton. I now use the 5 minutes I retained on the opening round.

Mr. Seiberling. The Secretary may have time in which to respond to the question.

Secretary Watt. That is the key question that has been asked. The answer is we think good stewardship calls for a balance of acquisition and maintenance, and right now the law forces those land and water conservation funds to the Federal site only for acquisition, so Russ Dickenson has coming at him several hundred million dollars each year that he must acquire. He is not given the option of being the good steward to determine whether that several hundred million dollars should be used for repair and restoration or for acquiring new lands he cannot take care of. I think a good steward, a good Government official, weighs the scarce resources and says this year we need to restore and improve, not acquire that which we cannot manage.

Mr. Burton. Two points with reference to that. No. 1, you do not need this authorization to provide the operation and maintenance money. You do not need that. You have it already on the books.

Second, you have made the point that the cost of acquisition has often exceeded the initial committee estimates, and that is correct, but the big reason for that is because we have delayed the pace of acquisition, and I would submit your freeze or essential freeze or moratorium this year is going to further exacerbate that problem of increasing the ultimate cost to the taxpayers for acquiring these lands.

It is self-evident that the cost of a given parcel or lot or farm or ranch is going to increase if you delay purchase from one fiscal year to the other. In that respect the GAO report is accurate, but the solution is to fully fund land and water for acquisition. And your point, which I share a piece of, to wit, we need better operation and maintenance, can be dealt with by going directly to the Appropriations Committee because you have that authority now. You do not need congressional action to authorize that.

One final observation, because I am running out of my time. The business of insular areas and the trust territories, Mr. Secretary, have been conducted on a non- and bipartisan basis throughout every administration that I am aware of. I would hope you get your insular area shop in order to the end that we can proceed to have a continuum in terms of that bipartisan approach to this very important national responsibility all of us share.

Mr. SEIBERLING. The time of the gentleman has again expired. The gentleman from California, Mr. Clausen.

Mr. CLAUSEN. I yield to Mr. Pashayan.

Mr. SEIBERLING. Mr. Pashayan.

Mr. PASHAYAN. I thank my senior colleague from California.

I have just one question. Unfortunately, I have a commitment that requires my leaving. Mr. Secretary, of course I appreciate your coming here, and I think this is going to be a very useful dialog to clear up what I think will emerge as some misconceptions. But it has come to my attention very recently that the real costs to the Treasury for acquiring some lands far exceeds that which were projected.

What troubles me is the possibility that the proposed acquisition cost was sometimes artificially deflated. In other words, Congress and others have been told that it was going to cost *x* number of dollars to acquire, when actually it was known that it would cost much more than that. My question is: Is this true, and are you looking at that particular problem?

Secretary WATT. Congressman, I do not know if that is true, but we are looking at that problem, because the suggestion has been made that it is true, and we do know that the costs have just been way understated. There are probably several reasons for it. One reason, obviously, is that the Park Service does its appraisal work and then there is a lagtime between the appraisal and the authorization and the appropriation and that is understandable.

It could be—and this is one of the reasons we are carrying out an investigation—that those costs were intentionally understated by the proponents of a park because they are fearful that if we really knew the cost it would scare members of the committee off.

Mr. SEIBERLING. Would the gentleman yield on that?

Secretary WATT. We need to pursue that and see if that is the case.

Mr. SEIBERLING. Will the gentleman yield?

Mr. PASHAYAN. I will yield.

Mr. SEIBERLING. My recollection is that in every case we got our cost estimates from the National Park Service.

Secretary WATT. That is the point I am trying to make.

Mr. SEIBERLING. If they were underestimated, it was not the Congress but the Department, and I doubt very much in the ones that they opposed were they deliberately underestimated, the cost, because if they did, they would be not helping their own position.

Secretary WATT. I hope your statement turns out to be true.

Mr. PASHAYAN. That is the issue that I think the Secretary said that he is looking into.

Secretary WATT. That is correct.

Mr. PASHAYAN. And he shall see.

I appreciate your inserting me here and I thank my colleague. I yield back the time.

Mr. SEIBERLING. Mr. Clausen.

Mr. CLAUSEN. Thank you. I am going to make a request, because there will be a lot of questions that we want to ask, that, each of the members have unanimous consent to insert in the record questions to be submitted to the Secretary for response, that all members be entitled to that.

Mr. SEIBERLING. Yes.

Mr. CLAUSEN. Mr. Secretary, as I am sure you know, representing the north coast of California, there are a number of resource issues that are very much on the minds of the people of that particular area, not the least of which, of course, is the offshore oil leasing which is in the news, and so I want to go to a point.

The President has often stressed the home rule, and continues to reaffirm, I believe, in the decentralization of the Federal Government by returning more power to the State and local governments. As a matter of fact, the OCS Lands Act, as amended, emphasizes this principle by requiring input of the views of State and local governments most affected by leasing decisions.

Likewise, the Coastal Zone Management Act clearly states that a Federal agency cannot undertake any activity which directly affects a State's coastal zone, if that activity is inconsistent with the State's federally approved coastal management act.

Now, as you know, a number of the members of the California delegation sent a letter to the President, and I believe a similar letter was sent to you for your own information and edification, and in that letter I am going to quote:

> State and local input and full consideration of these views must be on the basis of two-way communication and cooperation between the Congress and the administration. We, therefore, request that Secretary Watt meet the same criteria and procedure requirements we have asked Secretary Andrus to follow as presented under the OCS Land Act.

Now, with that, what can I say to my constituency on the north coast that will reassure them that you are following the same basic procedure that we demanded of the previous administration?

Secretary WATT. I think, Congressman, the very nature of your letter suggests you think we are not, which is a surprise to me. We definitely are. I have consulted with you for more hours than I would like to have consulted with you.

Mr. CLAUSEN. We are just trying to make our point, you know.

Secretary WATT. Let me assure your constituents that you have been very aggressive on this subject matter. I have heard from them. I have taken the Governor's letter to heart, and we have delayed decisions on the four northern tracts so that we can fully review and consider all that he has done. We have not made a hasty decision.

I have listened to Members of Congress. I have read some of the materials that have come in from the local groups and the like. Man, I have spent more hours on that issue than I have spent on most issues. I am doing all that I can, and if there is something else—I am not talking about just meeting statutory standards.

Those are minimal requirements. We are way beyond the minimal requirements of the law now.

We are into the depths of that issue, and if there is something more that you think I ought to be doing, I will do it, because I want to make that decision in the Nation's interest, and I want it to be right for the Nation, and if there are factors that I am not aware of, I ask you to help me become aware of them. We want to do what is in the interests of the American people, and I hope to make that decision probably the first part of June and make the recommendations to the Cabinet Council and to the President.

Mr. CLAUSEN. Let me say this to you, Mr. Secretary. While our communications have been cordial and contentious, we have strongly presented our views of concern which reflect the attitude and the concerns of the people of the north coast.

I do want to say that I commend you for acceding to one of the earlier requests, namely, to separate out the Santa Maria Basin from the other four basins, because I believe there is a general agreement among the California delegation that the area of Santa Maria does in fact have nearly 80 percent of the potential yield in that lease cell 53 area, so you have at least at this point on the basis of an actual decision of the Department, adhered to your request. I hope that we will have a similar follow-on to that kind of responsiveness as it was in the case of Santa Maria.

Secretary WATT. Congressman, I did accede to your request on that, and I was led to believe that there would not be a lawsuit on that. Believe me, we are in a lawsuit with the full vigor of the State of California against this interest, so I am a little at odds as to where we are on that situation. But I will still view that from a national perspective and make a decision and recommendation that I think is in America's interests. I can assure you that we have gone beyond the requirements of the statute in the spirit that you are talking about today.

Mr. CLAUSEN. Further in that letter, as you know, I stated—and we all stated in the letter—that you have the right and, quite frankly, the responsibility to the public comment process, to gather your own data, so that you at least would have an opportunity to have independent data of your own to compare with the previous administration's data. Now, at some point I am assuming that there would be information available so that we could make our own appraisal of the comparative data between the two administrations as you lead yourself to a point of decision. Will that information be available for those of us who are interested in this?

Secretary WATT. Congressman, I am surprised at your question, frankly. One of the things that I find enjoyable about the issues before the Department of the Interior is that they are really not partisan Republican and Democrat issues; they are resource issues. I would not think the factual basis of evaluating the resource base is going to change significantly with one administration or the other. I would think that Governor Brown would give a Democrat administration the same information he would give a Republican administration.

I would assume that the Eureka Chamber of Commerce would give the same information to a Democrat administration as they would a Republican, so I have not gone out and resolicited, thinking the story would be different to me.

Are you telegraphing me the facts are going to change because a Republican administration is in town?

Mr. CLAUSEN. No; there is no insinuation that the information would be different. The only thing I am saying is that I commend you for the public comment period, the point being, however, it will afford us an opportunity to see if in fact there is different data and different information between the two administrations that have been in the process of making an evaluation of this proposal.

Secretary WATT. I approach these as the Secretary of the Department of Interior, not the Republican appointee going to make a decision that would be different or inconsistent with a Democrat appointee. I am the Secretary of the Department of Interior for the U.S. Government, and I will not make a Republican decision on that. It will be an American decision.

Mr. CLAUSEN. Thank you.

Mr. SEIBERLING. The time of the gentleman has expired. Mr. Udall.

The CHAIRMAN. Thank you, Mr. Chairman. I appreciate your holding this hearing defending the frustrations of Members. Perhaps we can help educate the Secretary, as he has so often invited us to do.

Secretary WATT. And I continue to need that.

The CHAIRMAN. I just want to hit one point. You know as you get older in seniority in this Congress, you look back on things. You have got a little bit of memory of things the way they were, and the land and water conservation fund was a historic thing. John Saylor of Pennsylvania sat over there on the other side, and we worked out the details 5 years ago. It was a bipartisan approach. It was a State and Federal approach. We did not say just that the Federals were going to get some money and the States were going to get a big chunk of money. I have a printout of little vest-pocket parks and little hiking places where the States have used this fund to get acquisition of land that there was no other way to get.

Around here, one of the old games you play is get your own trust fund; do not be dependent on general revenues. We did that with the interstate highway system and there are other examples of it, but it is a bad way to do business. You go back to the old Hoover Commission. This was one of President Hoover's recommendations in the late 1940's, do not let them get their own source of supply. Do not let them have a trust fund unless there is really an unusual situation.

Here is this thing now. We have got a backlog. We have said to the American people, said to the local people in dozens of places, "This is going to be a unit of the national park system." We have committed ourselves as a people to pay for it, and now all of a sudden we are going to pull the plug. We are going to let everybody in on this, and we are going to destroy the land and water conservation fund. For the life of me, I share some of Mr. Burton's dismay.

Sure, we have got to stop and pause now and then and go back and get the new acquisitions functioning before we run over and get some more. Everybody understands that. But do you have any idea that money is going to be cheaper or prices are going to be better, 1 year or 2 years or 5 years from now, when we go back and try to complete and keep our word with the local communities and the thousands of residents who are still living on the land, are trying to get their money for the land, understanding that Congress has decided it is going to be a new park?

Would you agree we have had inflation in land prices, 12 to 15 percent in the parks and it is going to continue, or do you have some magic information that tells us that the parks will be cheaper, paying for what we have already said we are going to take will be cheaper in subsequent years?

Secretary WATT. Mr. Chairman, let me compliment you first and Congressman Burton for raising the intellectual level of the debate to that issue, and I appreciate the framing of that. That is what I tried to frame the issue in, in a letter to Chairman Seiberling, because that is the real issue. I made a value judgment and it does not necessarily mean some of you will be quick to think it does not, but it does not necessarily mean that I am right. We have limited resources.

Do we quickly pursue further acquisition and let maintenance further deteriorate, like the Washington Post editorial suggests? That is not necessarily wrong. I made a value judgment, and I made a decision and recommended to the President for our budgetary submission to Congress, and you folks have the last say on it, I must underline that point. I made a value judgment that it was better stewardship to take care of what we have in maintenance and repair than it was for further acquisition. I think this is a legitimate debate.

The CHAIRMAN. But once you get a trust fund, everybody wants to get on it. When we started out, this was outdoor recreation. Laurence Rockefeller and the outdoor recreation study, a landmark of bipartisan cooperation.

Secretary WATT. And it was the——

The CHAIRMAN. Outdoor recreation, and pretty soon we had States coming in saying how about indoor recreation.

Secretary WATT. That is right.

The CHAIRMAN. That is important to people, and we want to get on this little faucet here.

Secretary WATT. And further, it was to be rural virgin land acquisition, not urban land.

The CHAIRMAN. That is right, but we resisted the raids in most cases, and we have been successful. Now are we going to say that these funds, without any further consideration, are going to be cut off from acquisition and they are going to be put in management and use?

Secretary WATT. No.

The CHAIRMAN. And improvement. If you are going to do that, will the States be able to use their share of the funds for maintenance operations and salary of the lifeguard at the swimming pool if we get the land?

Secretary WATT. I hope the answer to your question is "no." We have asked for a moratorium, not a termination. We think we need to change the economic situation of America and bring about recovery. I would urge you to vote for tax cuts as well as budget cuts to help that to come into being sooner. But in the meantime, the question is definition of stewardship of the recreation base of America, and I think you have framed it correctly. It is my recommendation to Congress that we take care of what we have before we go out and acquire more.

I think it is a legitimate argument. I do not think it is right, but it is a legitimate argument to argue that you should close down those spots that do not meet health and safety standards, close them down and use the money for further acquisition, and then hope that some day you can go back and restore the infrastructure for health and safety purposes. I am choosing to use the lands for people now rather than further acquisition.

The CHAIRMAN. Let me finish with one note that Mr. Burton raised. We are getting mail now on this. We are going to get a lot more. What do I tell the older couple in a redwood park in California? We promised you 5 years ago this was a national park. We said to the American people this is a national park. We committed ourselves to buy the land. Now you are either repealing or putting on hold the one possible program that might pay them as everyone intended. What do I say to them? We will come back in 5 years when land prices have tripled?

Secretary WATT. Land prices have already gone out of sight, and I think we have got to at some time grab hold of them. The redwood situation, it was estimated, the new buffer zone is estimated to come in at about $300 million.

Mr. DICKENSON. It may even be more than that.

Secretary WATT. Now we think it is going to be up around $500 million; $600 million; $700 million. We are a stewardship. We should not be promising people things that we cannot deliver.

The CHAIRMAN. We can do this. This is a historic time when there is a source of revenue out there. The revenues from our declining resource, oil and gas, which is under the Outer Continental Shelf, is coming in at $9, $10, $12 billion a year, or whatever. Why can't we take $800 million or $1.5 billion, or whatever the backlog is, and do it now and get those lands now before they triple again?

Secretary WATT. That is the issue that is before Congress. Why was it not done 2 years, 5 years ago? It has never been done, and the question is, what is good public policy today? It is this administration's recommendation that we be good stewards and take care of what we have before we get more. Congress may not choose to go along with our recommendation. They may choose to take a course of action you are suggesting with your question. Congress has never chosen to take that course of action in the past. Never has it done it. Now, that may be bad policy of the past that should not be continued, but we have made our recommendation. It is Congress option now to work its will. It has never gone the way you have suggested in previous years. Will it do it this year? That is the test before Congress.

Mr. SEIBERLING. The time of the gentleman has expired. Mr. Lagomarsino.

Mr. LAGOMARSINO. Thank you, Mr. Chairman.

Mr. Watt, one thing that Mr. Burton said is something I fully support. As you know, we have discussed this.

Secretary WATT. You are not double-teaming, you two?

Mr. LAGOMARSINO. Just on one thing with regard to the territories. I think it is very important that we maintain, to the extent that it is practical to do so, and fiscally responsible to do so, that we maintain the bipartisanship that we have always had, and from talking to you, I know that is your wish as well.

Secretary WATT. We have made a decision to select an Assistant Secretary for that position, and we have selected the name and that will be going to the President for his approval shortly. Yesterday the Under Secretary and I had lunch with the Governors of Micronesia and Northern Marianas, American Samoa and Guam. They are in town for appropriation hearings. We had lunch with them and discussed many of the issues of mutual concern, and I think are on top of those issues. I do thank the two of you particularly, and Don Clausen, for the continued bipartisan interest you show there. We want to take advantage of that, and I appreciate your continued help.

Mr. LAGOMARSINO. Thank you very much.

In your testimony you mentioned various GAO reports about whether we should continue to acquire land for parks in fee, and so on. I felt for a long time that we could not only save money but have a much more imaginative program if we did not rely entirely on fees, although obviously that is going to continue to be an important factor. It seems to me that one of the problems when you talk about other forms of acquisition or other forms of payment is the problem that has at least been the perception, and I think to a large extent an accurate perception, of an inconsistent punitive inholding policy on the part of the Park Service in previous administrations.

In other words, I think if someone feels that they will know what the policy is going to be and it will not be an onerous one that would prevent them from carrying on practically any activities at all, they might be much more amenable to selling an easement, perhaps even donating an easement in some cases. I would like to have your thoughts on that, Mr. Secretary.

Secretary WATT. I think there are some real prospects there, and we want to take a new hard look at that issue, because I hope that what you are saying will work out, and I think that is the concern Chairman Udall talked about. We have caused these people to have certain expectations and have not delivered over the past 15 years, however long this backlog is going.

We need to look at those policies to see if we really need to acquire all those inholdings. Sometimes private ownership cannot win the boundaries without causing any harm to the public purposes of the park. We need to be sure that we are acquiring land for park purposes, not for the purposes of benefiting the neighbors of the park, and I think that public purpose must be kept in mind.

Mr. LAGOMARSINO. Thank you.

Is any of the $45 million requested in the 1981-82 budget earmarked for land acquisition in California?

Mr. DICKENSON. No decision.

Secretary WATT. We have not made any allocation. We would expect that most of those moneys would be used for hardship cases, estate planning, tax problems as well as settlement of the judicial decrees that we will get under that. That is a pipeline process. We just have not had a chance to make any allocations with the first appropriations.

Mr. BURTON. Will the gentleman yield?

Mr. LAGOMARSINO. I yield.

Mr. BURTON. Also for options where it is fully understood and contemplated the cost of the option is a partial cost of the property. We have instances where we have options that are most favorable that we are going to lose if time runs out, and when it is self-evident and stipulated that you have a piece of property optioned at a third of current value, it is fiscally wise to acquire it, and I hope you would concur to proceed to take advantage of those options.

Secretary WATT. We certainly will. I think that is well phrased. We think we will have enough money to do just——

Mr. SEIBERLING. Your time has run out. Do you have one more question?

Mr. LAGOMARSINO. I might say I think that is a good suggestion. I would hope also that with that 45 or anything that might be added to it by Congress, that there might be consideration to cases where people do make favorable offers to the Government, where our money would go further.

Thank you.

Secretary WATT. Yes.

Mr. SEIBERLING. Mrs. Byron.

Mrs. BYRON. Thank you, Mr. Chairman.

There are also some of us from the East, and we have concerns about the East also. I would like to follow up on the committee chairman's point which he touched on earlier that concerns me greatly. That is, where do we go and what kind of an answer do we give to people who have been negotiating with the Park Service for many years, who have gotten to the point where the money has been appropriated.

That money was diverted to other areas because the land acquisition process had not been completed, and yet now that the land acquisition process is completed, it is my understanding that there will be no acquisition. How do you explain to an individual—and I will give you my case in point is Monocacy Battlefield, which is close to the Washington perimeter. It was originally authorized by Congress in 1934 which approved money for the park in 1979, and additional funds in 1980. Now we are at the point where the acquisition should be completed, and yet it is my understanding that the acquisition is not going to be completed.

You go through a series of hearings with the people in the local community. You produce an enormous upheaval in their lifestyle and their views, and yet they finally, after 2 to 3 years of tremendously impressive work by the Park Service, of educating the people in the area, of getting them to understand that a national park will be a good neighbor in their community, of getting the landowners who are going to be involved to understand and accept that they are going to be willing sellers to the Park Service. And then you get up to the brink, you get the entire community psychologically to accept that there is going to be a park in their area, and now we are talking about pulling back and going through the whole process again.

How do you explain to these people that because of time considerations, after the money has already been appropriated, that property will not be purchased? How do they go and put their land on the market for another purchase to another individual when it is already designated as a park? What kind of an answer do you give to people in this situation?

Secretary WATT. I think it is a difficult answer and it is an embarrassing answer. That is why I apologized to the American people. I think you gave the date of 1939, did you not, Congresswoman?

Mrs. BYRON. I gave the date of 1934.

Secretary WATT. 1934.

Mrs. BYRON. Forty-seven years ago.

Secretary WATT. Forty-seven years of lack of good stewardship, I would suggest. I think when Congress authorizes something and determines it to be in the public purpose, and it should be a national park, good stewardship would require that we acquire at the time we say it is in the public purpose to do it, so you have talked about a 47-year-old problem, and inherited today with a crisis environment of our economic situation where we have got to stop the flow——

Mrs. BYRON. But more important than the 47-year problem is that in 1976, and in 1978, Congress enacted legislation authorizing a total of $7.25 million for land acquisition. We have so far picked up one piece of property which constitutes 1 percent of the entire parcel, and how do you explain to these people who have had this hanging over their heads since 1978, knowing that money has been authorized and not funded?

Secretary WATT. I think you do it with great embarrassment, and I think that it is not good stewardship, and that is what I have inherited as Secretary of the Interior. I do not have a ready answer for you. You have had that problem for 48 years, and it is an embarrassing situation when we will not exercise stewardship in providing acquisition funds for those things we have authorized.

Mrs. BYRON. Do you then advocate deauthorizing parks? Is that what I hear?

Secretary WATT. I have not advocated that.

Mrs. BYRON. If we authorize them and fund them and do not purchase them, then we ought to deauthorize them and let the people go where they are going, and make their lives and make their decisions—especially when the property I am discussing is close to the Washington metropolitan area. If we are going to have a park there, let us have the park here. If we are not, let us deauthorize it. Let these landowners go on about their business and develop their land.

Secretary WATT. I think you could make that argument. I do not know about the park so I cannot make a value judgment on that. But if you are proposing deauthorization, we will respond to it. I am not proposing deauthorization.

Mrs. BYRON. I am not proposing deauthorization but I think we have got to address this question. If we are going to have a park, we are going to have a park. If we are not, we are going to do something about it.

Secretary **Watt**. I think that is a fair position for you to take, and I suggest that that decision should have been made at every appropriation year since the last 47 years. It is not a problem of 1981; it is a problem that has been reoccurring in your district in that area every appropriation year, and I suggest there has not been good stewardship in managing that park.

Mrs. **Byron**. Managing it? We do not have a park. We have money that has been authorized for the purchase of land and has been diverted to other areas. So you are not talking about managing a park; you are talking about $3,407,890 that has already been appropriated to date, appropriated, not authorized, and has not been spent. I will be, as my colleague from California, in to see you. You have seen a lot of him. Maybe I had better see you for awhile.

Secretary **Watt**. It will be a delightful change.

Mr. **Seiberling**. The time of the lady from Maryland has expired. Mr. Cheney.

Mr. **Young**. Will the gentleman yield for a moment?

Mr. **Cheney**. I will yield to the gentleman from Alaska.

Mr. **Young**. I think the good lady made a good point, but before the Secretary is assailed, which you have done so well, I would like to suggest that we have had a previous 4 years where the same amount of moneys were never spent either. The good Secretary has been in here only 6 months, and you know my feeling on the acquisition of Water Conservation Act, land and water conservation. We hope we will be able to work on that issue, so the Secretary is here to be educated also as well as we to be educated.

Secretary **Watt**. But it seems to me on that point that I cannot be a greater failure than my successor was—or predecessor was.

Mr. **Cheney**. If I may reclaim my time, I will be very brief, Mr. Secretary. I want to thank you also for coming today. I have a great deal of sympathy and certainly enormous respect for the chairman of the full committee, Mr. Udall from Arizona, and Mr. Burton, and the work they have done over the years on the land and water conservation fund.

I think the program has indeed produced some very significant benefits for the American people, but I think it is important that the record show that there are many of us on the committee who do indeed strongly agree with the recommendations you have made to the President. We feel that in light of the economic difficulties we face as a Nation, in light of the fact that we are asking people about to go on social security, students, Amtrak riders, veterans, and all of those other people out there who participate one way or another in some 330 programs to accept budget cuts, that it is not unreasonable for them to expect that we also have to impose some restraint and moderation with respect to the land and water conservation fund as well. I would point out that the House, this last week, voted to adopt the President's budget recommendations in the aggregate for 1982.

Yesterday the House passed most of his recommendations for rescissions and deferrals for 1981, and that we, painful as it might be, are nonetheless going to have to deal with the broad, overall economic problem the country faces. We have already made a judgment that there is a crisis and made a judgment on the broad directions of his policy.

Finally, I do not have a question to ask but let me simply state that as a member of the committee who has been very frustrated in the past with the lack of stewardship of the public resources that we found in the previous administration, that although you have indeed been controversial, many of us take that as a sign of your effectiveness.

The fact is that there is no way to operate in the extremely delicate and difficult job you have without raising the hackles of various groups on both sides of all issues. Under the circumstances I think you have distinguished yourself as one of the most effective Secretaries of the Interior this Nation has ever had.

Secretary **WATT**. Thank you, Congressman Cheney. I appreciate your putting it in a national perspective with President Reagan's approach to Cabinet government. I have been involved in those budgetary decisions, and I have grappled with the other Cabinet members as we have made recommendations to the President about where to put those moneys. I looked at problems and I made the recommendations along with the other Cabinet members to the President. He adopted some and rejected some, of course, and it is in that context that I again appeal to this committee. Do not give us more money. We have asked for $105 million to restore and improve the Park System.

That is above the Carter request. In addition, we are asking for $45 million to handle those emergency Federal acquisition programs.

The Congresswoman from Maryland makes a plea. I am sure she probably visited Cecil Andrus. I assume you did if you are going to come and see me. While that is a moving plea, it must be balanced against all of the other pressures that Congressman Cheney has outlined, and it was my judgment that we could not ask for more money as deserving as these parks are, but we need to bring about economic recovery of America, and I think that jobs and quality of life are much more important in 1981 than would be to buy a few extra acres of land at this time.

Mr. **CHENEY**. I yield back the balance of my time.

Mr. **SEIBERLING**. Mr. Santini.

Mr. **SANTINI**. I enjoy your audacity in basic questions that are challenging this committee and the Nation. The last Congress took the initiative that was inspired by two of the genius Members of this body.

Secretary **WATT**. That could be two of several.

Mr. **SANTINI**. Seven or eight, yes. Mr. Burton and Mr. Santini. Santini-Burton suggested and addressed the very specific and real problem of the need of the Lake Tahoe basin, and the excesses of Federal land ownership in the Las Vegas Valley. Santini-Burton said when the urban land, urban checkboarded lands presently held by the BLM are sold in the Las Vegas Valley, that money will be used to acquire private lands in the Lake Tahoe basin in environmentally sensitive areas.

Mrs. Byron poses a question about a 30-year dilemma that she and some of her constituents have been grappling with. I apprehend that I will be looking at the Lake Tahoe basin for the rest of my life, worrying about a similar dilemma, unless we can face the fiscal realities that you have understandably enunciated and be required to implement through your Department, and try to come up with some new and inventive responses and solutions to this situation.

We in Nevada have long held the frustration of 87 percent Federal landownership. I think it is irrational under any land management scheme that anyone would conceive that, for example, on the Las Vegas Strip, we have 150 acres of prime hotel casino land presently owned by the Bureau of Land Management, worth somewhere between $25 million and $35 million.

Mr. **Burton**. One hundred.

Mr. **Santini**. We just received a bid from California, $100 million. If we could take in incremental and inventive fashion the very real problems of BLM lands in the State of Nevada that are serving no multiple use, recreation or other wildlife purpose—there is some wildlife going on—but it doesn't relate to the primary concerns and try to address your fiscal concerns and take the Santini-Burton formula, as it is probably known in Nevada, and implement that in some sort of rational, premeditated fashion to deal with the problems of Congresswoman Byron, to be sure.

If you sell 1 dollar's worth of public land at fair market value, you purchase 1 dollar's worth of private land that will serve some general public recreation purpose. It takes the concept, the rationale of land and water conservation fund, but pinpoints it.

Over the years you appreciate, Mr. Secretary, better than most, there has been an extraordinary reluctance on the part of the Federal land managers to turn in to the private sector any acre of private land, irrespective of whether it was serving any rational multiple-use purpose at all.

I think that, in part, a responsive solution to the question well postulated by Congresswoman Byron lies in some sort of inventive and aggressive pursuit of the idea that was encapsulated in Santini-Burton, and that I hope will not take 37 years to translate into some responsive action for the people of Tahoe Basin, for the people of Las Vegas Valley.

Mr. **Burton**. Would you yield at this point?

Mr. **Santini**. Only on your time.

Mr. **Burton**. I would like to observe that we tried something that we thought was rational. We will never again approve another step in this direction unless we see the spirit of this accommodation to the Sagebrush Rebellion, on the one hand, and the need for some funding on the other, is met on both sides of the scale.

You are thwarting what could be, if moved ahead in a cautious way, a modest solution to some of the understandable problems in the West. If you fail to acquire the land that is the other end of this disposal factor, you are going to set back the possibility of this kind of an idea being implemented on a larger scale. I am sure my colleague from Nevada agrees with that.

Secretary **Watt**. If I may respond to the point, Congressman Burton. Congressman Santini has met with me in my office and even in private counsel he calls it the Burton-Santini bill.

Mr. **Santini**. I did not.

Secretary **Watt**. I think one of the ways we need to be responsive, one of our problems is explaining exchange, and it could be that this committee would want to talk about legislative change that would allow us to exchange Forest Service land for BLM land. Now we can only exchange within the Department, and I think that is not good public policy. The Government is the owner, regardless of who may be managing those respective lands.

Mr. SANTINI. Could I interrupt you, Mr. Secretary, to pause at that point? Land exchanges have a woeful and dismal record of nonperformance over the last two decades, and as heartfelt as all the initiatives might be for exchanging Forest Service for BLM, or BLM for Forest Service, it just hasn't worked at all. I am really pessimistic about the prospects.

Secretary WATT. You have reason to be, but I hope that will change, and it is certainly my intention to try to make it change. And you are suggesting I will break my pick on that, and I may because a lot of other people have. But we do have the one legislative limitation, statutory limitation, that you cannot go between Forest Service and Department of Interior. That may need to be addressed, and if I cannot make exchanges happen between BLM and Park Service, there is no option that I will ever make it happen interdepartmental. But it is an objective that ought to be pursued, and I think you folks have challenged us on this. I understand your challenge and I hope that we could be responsive.

Mr. SANTINI. I just got wound up, Mr. Chairman.

Mr. SEIBERLING. Does the gentleman have another burning question?

Mr. SANTINI. One more.

Mr. SEIBERLING. The Secretary does have a time problem and we have reached that time.

Mr. SANTINI. Thank you for your indulgence. If I could just work on the Burton clock, Mr. Chairman, I will get this thing done as quickly as I can. The National Minerals Security Act, may I ask this: We have all heard that legislative initiative, and could I ask you what your timeframe is, Mr. Secretary, for coming back and responding to our Mines and Mining Committee on the position of the administration with regard to the National Minerals Security Act?

Secretary WATT. Do I owe you an answer on that? Is that something outstanding from our previous hearing?

Mr. SANTINI. It is.

Mr. Chairman, if we may leave the record open. The National Minerals Security Act, minerals policy.

Secretary WATT. This was discussed yesterday.

Mr. SANTINI. You are lapsing back into the old dialog again.

Mr. SEIBERLING. The time of the gentleman has expired.

Mr. Secretary, it is now according to the clock on the wall, 11:34, and I guess you have to leave promptly. Let me just ask you this. There are members here who have not had a chance to ask any questions. There are a number of areas that I think are very important that we get into, and this question of land exchange and land sales is one of them. I personally think we need to work with you and explore those possibilities.

Secretary WATT. Yes.

Mr. SEIBERLING. And we have not even discussed Alaska lands implementation.

Secretary WATT. Yes, we have.

Mr. **Seiberling**. Not much. So I wonder if it would be possible, Mr. Secretary, for you at some early date, at your convenience, if you could come back for another session of this sort. Because I think it is very helpful to the committee, and I hope helpful to you.

Secretary **Watt**. I certainly can, Mr. Chairman. I would not want anything to detract from the original purpose of this hearing, which was to focus on the National Park Service problem, and I would hope that you would be willing, Mr. Chairman, to take this as our position on H.R. 3586 and soon report that bill out.

Mr. **Seiberling**. Do not hold your breath.

Secretary **Watt**. I have presented the challenge to the committee, because I think that is good stewardship, and you will need to work your will on it, and answer for that. We have those responsibilities. I would be glad to come back to the committee at a future time, but I would hope that we would not confuse the issues, and get off into these other issues that are of importance.

But right now, what is before America is the need to be good stewards, to take care of the National Park System area, and we have problems there that we have not even addressed today. I am surprised that we have not gotten into some of the problems of the National Park Service that even deserve further attention, and I can assure you that we are giving them attention even though it is not being here before the mike, but let's not confuse that urgent need of this committee and this executive branch to move aggressively to protect the Park Service. The record of stewardship is not good, and I want to bring change.

Mr. **Seiberling**. We have other questions involving stewardship that I think we want to get into, like leasing in wilderness areas, and that sort of thing, and I know Mr. Santini wants to get into minerals policy. I hope that we could have at least one more session.

Mr. **Weaver**. Would the chairman yield?

Mr. **Seiberling**. Just a minute and I will.

At that session I will be glad to start, if there is no objection, with the members who have not had an opportunity to question the Secretary today, rather than starting at the senior end and working down.

Secretary **Watt**. It is much more beneficial if we come to work on a piece of legislation or a purpose.

Mr. **Seiberling**. We could provide you with a list of subjects that the members want to get into. How would that be?

Secretary **Watt**. I enjoy the dialog and exchange, and it is fun. I am getting an education from you, I guess. I am not sure I am educating anybody. Myself, I gain. But just a fishing expedition on everything is fun for me, but I am not sure it is productive and a good use of our time. If you want to focus on problems, let's solve problems and move the stewardship.

Mr. **Seiberling**. I do think it is valuable to have some kind of a dialog on general policy questions in order that we may then understand and the committee and the public may understand what the issues are, and what the approaches are.

Mr. **Weaver**. Would the chairman yield?

Mr. **Seiberling**. Yes.

Mr. **Weaver**. The Secretary said earlier he could stay until noon. Is that correct?

Secretary **Watt**. I have a noon Cabinet meeting. I would like to get there on time. I do not know how long it takes me to get down there.

Mr. **Seiberling**. Mr. Secretary, I think we, out of courtesy to you, owe you the opportunity to terminate this hearing at this time. It does call to my mind, however, the dialog, today it calls to my mind a statement, a story attributed to the famous Frenchman, Jean Monet, who was the father of the European Economic Community. One day he ordered a tree planted the next day in his garden. The gardener said: "Why bother? It won't bloom for 100 years."

Monet then said, "Then start this afternoon."

And so on that note not of moratorium but of action, Mr. Secretary, I am going to adjourn this, and hope we can continue our progress. Thank you.

[Whereupon, at 11:40 a.m. the subcommittee adjourned.]

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PUBLIC LAND MANAGEMENT POLICY

TUESDAY, JUNE 2, 1981

House of Representatives,
Subcommittee on Public Lands and National Parks,
Committee on Interior and Insular Affairs,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:45 a.m., in room 2237, Rayburn House Office Building, Hon. John F. Seiberling (chairman of the subcommittee) presiding.

Mr. Seiberling. The Subcommittee on Public Lands and National Parks will now come to order.

This hearing is another in our continuing series of oversight hearings on public lands policies. Today our particular concern is with those policies relating to the Bureau of Land Management.

The Bureau of Land Management is the largest Federal land-managing agency. It is also the one with perhaps the most difficult and diverse mission, its legislative mandates ranging from the management of public lands and minerals to the vast Outer Continental Shelf.

Its tasks include rangeland improvements as well as wilderness reviews, coal leasing as well as protection of wild horses and burros, timber management as well as outdoor recreation. The public lands belong to all of the people of the United States, and therefore what happens to them is of concern to us all.

Our witnesses today are Mr. Garrey Carruthers, Assistant Secretary of the Interior for Land and Water Resources, and Mr. Robert Burford, the Director of the Bureau of Land Management.

Before beginning their testimony, I would be happy to recognize any members who would like to make opening remarks at this time.

Mr. de Lugo?

Mr. de Lugo. I have no remarks.

Mr. Seiberling. Mr. Hendon?

Mr. Hendon. Nothing, Mr. Chairman.

Mr. Seiberling. All right.

Mr. Craig?

Mr. Craig. Nothing.

Mr. Seiberling. Mr. Vento?

Mr. Vento. I am pleased to be here this morning and review the statements of what I believe are some very important policymakers in the Department of the Interior.

I have looked over the testimony. I have to leave for another meeting this morning, but I will be monitoring very closely what they do in terms of public lands.

I am pleased that you have called this meeting.

Mr. **Seiberling**. Mr. Gejdenson?

Mr. **Gejdenson**. No statement, Mr. Chairman.

Mr. **Seiberling**. Without further ado, we will proceed, Mr. Secretary.

I see you have a prepared statement.

Do you wish to read it? It is very short. I suppose you might as well.

[Biography of Hon. Garrey Carruthers follows:]

BIOGRAPHY

GARREY E. CARRUTHERS

Assistant Secretary, Land and Water Resources
Department of the Interior

Nominated by President Reagan March 30, 1981. Confirmed by the Senate May 6, 1981. Sworn into office May 15, 1981.

EXPERIENCE

Professor, Department of Agricultural Economics and Agricultural Business, July, 1979 to January, 1981.

Associate Professor, Department of Agricultural Economics and Agricultural Business, New Mexico State University, March, 1978 to July, 1979

Acting Director of New Mexico Water Resources Research Institute, July, 1976 to March, 1978.

Associate Professor, Department of Agricultural Economics and Agricultural Business, New Mexico State University, September, 1975 to June, 1976.

Special Assistant to the Secretary of Agriculture, Earl Butz, Department of Agriculture and White House Fellow, September, 1974 to August, 1975.

Associate Professor, Department of Agricultural Economics and Agricultural Business, New Mexico State University 1972 to 1974.

Assistant Professor, Department of Agricultural Economics and Agricultural Business, New Mexico State University, 1968 to 1972.

EDUCATION

DEGREE	UNIVERSITY	MAJOR
B.S. - 1964	New Mexico State University	Agriculture
M.S. - 1965	New Mexico State University	Agriculture Economics
Ph.D - 1968	Iowa State University	Economics

PERSONAL DATA

Born August 29, 1939; wife, Katherine; daughters, Carol and Debbie; and son, Steven.

STATEMENT OF GARREY CARRUTHERS, ASSISTANT SECRETARY FOR LAND AND WATER RESOURCES, U.S. DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY DAVID RUSSELL AND FRANK A. DuBOIS, DEPUTY ASSISTANT SECRETARIES FOR LAND AND WATER RESOURCES

Mr. CARRUTHERS. Mr. Chairman and members of the committee, I am pleased to appear before you today. This is the first opportunity I have had to appear before any committee.

I have brought along some support. They are David Russell, Deputy Assistant Secretary for Land and Water Resources, and Frank DuBois, another Deputy Assistant Secretary for Land and Water Resources.

In my brief prepared remarks, I would like to share with you my general philosophy of Government and how these principles affect my views of the appropriate management of natural resources. For your information, I have also attached to my prepared remarks a biography, which outlines my experience and qualifications.

Over the years, my association with Government and politics has led me to the conclusion that to be effective in the policy arena, one must first articulate the philosophy or principles which he or she will utilize in the process. In that spirit, I would like to tell you that I am:

1. A fiscal conservative;
2. An advocate of maximizing individual rights, which has subsequent corollaries, such as support for the free enterprise system, deregulation, and States rights;
3. A subscriber to the thesis that government closest to the people, be it Federal or State, is the best government; and
4. Committed to operating within established law.

These beliefs form the basis for my approach to managing the public domain lands. Basically, the following guidelines reflect in part how I would undertake this vital management responsibility:

First, we should provide for the restoration and enhancement of our public lands through cost-efficient and resource-sensitive management.

Second, we should manage the renewable resources of the public domain from a sustained yield, multiple-use perspective, with emphasis on increasing productivity while at the same time preserving those areas of national significance.

Third, we should maximize the access to and use of the public lands and resources for the benefit of the broadest spectrum of the American people.

Fourth, we should strive to become a good neighbor, something Secretary Watt has advocated a number of times, by insisting on departmental responsiveness to user groups and other interested parties, and by providing for a cooperative and coordinated management approach with respect to intermingled landowners and local and State government.

Fifth, we should manage the resources of the public domain and encourage use of the public lands in the context of recovery of allocable costs by means of user fees and fair market receipts.

Mr. Chairman, it is my sincere hope that this testimony will serve to acquaint you and the members of this committee with my general approach to the proper stewardship of these important lands.

While I am confident of my qualifications and capability to carry out the duties of this office, I am also humbled by the responsibility President Reagan and Secretary Watt have placed upon me.

Please know that I look forward to the consultations and guidance I will receive from the distinguished members of this committee as we seek to make the important decisions in the future.

Thank you.

After Mr. Burford reads his statement, we would be pleased to respond to any questions.

Mr. SEIBERLING. Thank you very much.

I see Mr. Brown of Colorado is here.

Do you have any opening remarks?

Mr. BROWN. Thank you, Mr. Chairman; I do.

I have the privilege of representing Mr. Burford in the Congress. I would like to observe that I think the committee members will find former Representative Burford, now the Director of the Bureau of Land Management, one of the brightest and ablest public servants in Washington.

Bob Burford acquired a reputation as the Speaker of the House of Representatives in Colorado, as one who is an extremely fair individual, one who is most able to work with both sides of the aisle. I think this committee will find that he carries that attribute to his service in Washington as well.

Mr. SEIBERLING. Thank you.

That is a very nice introduction, Mr. Burford and, on that basis, maybe we ought to let you go ahead and give us your statement.

[Prepared statement of Hon. Robert F. Burford may be found in the appendix.]

STATEMENT OF HON. ROBERT F. BURFORD, DIRECTOR, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Mr. BURFORD. Perhaps, Mr. Chairman, on that basis, we could simply discontinue the rest of the hearing and just use Congressman Brown's entire statement.

My statement is rather long and in the interest of time I am not going to read the entire statement, but I ask that, with your permission, it be put in the record.

Mr. SEIBERLING. Without objection, your entire statement will be placed in the record and you may proceed to hit the highlights.

Mr. BURFORD. I have had considerable experience in the political field.

As Congressman Brown has stated, he and I did share the experience of serving in the legislative body together—a very enjoyable experience.

In expressing my views toward the governmental process, I want to recognize that I am at the present time in the executive side of Government. I am no longer in the policymaking side. One of the philosophies which has guided my political career throughout has been the separation of powers doctrine.

I am a great believer in that. I think Congress sets the policy for the administration of public lands and, as you set that policy, it would be my intent to carry that out and the laws and any regulations or rules which I may suggest be promulgated will be promulgated with the intent of following the congressional intent.

I have had considerable experience in public lands as a user and as a member of advisory boards and, as has been stated before, I have had considerable experience in the political world, and I have learned to work with different viewpoints and try to bring those different viewpoints together.

I think the job that I am taking on now will stretch that in a great many directions, because I recognize that the Bureau of Land Management has uses, users, advocates, and proponents of many different policies.

In setting policy for the Bureau, I will concur with what the Assistant Secretary just said in his opening statement.

I am determined to carry out Secretary Watt's policies in being a good neighbor, and part of being a good neighbor, I think, will be trying to maintain a good working relationship with this committee, the rest of the House committees, the similar committee in the Senate, and other Senate committees.

In order to allow this meeting to continue, I will conclude my opening remarks. I am ready for any questions which members of the committee may have.

Thank you.

Mr. SEIBERLING. Thank you, Mr. Burford.

Before we proceed, I see Mr. Lagomarsino with us.

Do you have an opening statement?

Mr. LAGOMARSINO. No; I do not.

Mr. SEIBERLING. Thank you.

Before I get into questions for Mr. Carruthers, I would like to say I was very pleased with your remark that you were no longer in the policymaking branch.

I have been under some apprehension in recent months that perhaps the new administration felt that they were sort of a combined legislative and executive branch rolled into one, and in fact Secretary Watt himself has been quoted in the New York Times as saying, "We are going to use the budget process" to change fundamental policy.

I think it is very important for everybody to understand, if we are to make progress, that the basic policymaking instrument of our Federal Government is the Congress of the United States, which must have the signature of the President to finalize its actions but, nevertheless, once that is done, that is the policy, the basic policy, and I am glad to see in your prepared statement, as well as in your informal remarks, that you emphasize that fact.

Mr. Carruthers, a May 21 press release from the Department of the Interior states that as your first official act, you signed 83 public lands orders revoking the withdrawal of 680,000 acres of Federal land in 11 Western States.

Would you please provide the subcommittee with a more complete documentation of the areas involved, including maps showing the areas where the withdrawals were revoked?

Mr. CARRUTHERS. I can provide that for the record.

I do not have it with me at the moment.

Mr. SEIBERLING. Thank you.

[The material referred to concerns 83 public land orders revoking withdrawals of land in Western States. That information has been placed in the committee's files of today's hearing.]

Mr. SEIBERLING. In the future, we would appreciate it if that kind of information could be transmitted to the subcommittee at the time such withdrawals are either made or revoked.

Mr. CARRUTHERS. We might be able to do that, but those are rather routine withdrawals of old public land orders of rather insignificant amounts. Those had accumulated over a long period of time and, as a consequence, the 680,000 acres was a much larger number than we normally would release. We do this on a day-today basis, as revocations are called to our attention.

Mr. SEIBERLING. Something of this magnitude, we certainly would like to be advised as soon as possible.

Could you tell me under what statutory authority the withdrawals were revoked?

Mr. CARRUTHERS. 204(a) of FLPMA permits the Secretary to make those withdrawals. That authority has been delegated to me by the Secretary. We have a Solicitor's opinion which indicates it is permissible for us to do that, Mr. Chairman.

Mr. SEIBERLING. Can you tell us how those particular withdrawals were chosen for revocation at this time?

Mr. CARRUTHERS. Revocation of public land orders is normally called to our attention by the staff in the field of the Bureau of Land Management.

Most of those revocations represent old public land orders withdrawn many years ago. The earliest date on those land orders was 1869. They were withdrawn for a single purpose which either did not occur or the purpose no longer occurs, and the management in the field indicated that we can now release those lands for other uses.

Mr. SEIBERLING. Were most of those withdrawn before FLPMA was enacted?

Mr. CARRUTHERS. Some of them were. For example, an 1869 withdrawal, a 1902 withdrawal, and a 1904 withdrawal, so some of them are quite old.

Mr. SEIBERLING. Were the withdrawals a result of the review of withdrawals mandated by FLPMA?

Mr. CARRUTHERS. Yes, sir, and as a response to inquiries about the possible withdrawal of a use.

Mr. SEIBERLING. You did go through the FLPMA review?

Mr. CARRUTHERS. The review goes through the normal Bureau of Land Management process.

Mr. SEIBERLING. Do you expect to be making any similar revocations of any magnitude in the near future?

Mr. CARRUTHERS. Mr. Chairman, I don't expect to make as large a collection of withdrawals as in this instance, because we normally do this on a continuous basis. Those have been held over for some period of time during the transition and saved for the time that I could sign it.

Mr. SEIBERLING. Are there any withdrawals now nearing completion?

Mr. **Carruthers**. It is a continuous process within the Bureau of Land Management and I am sure there are some being completed presently.

Mr. **Seiberling**. I certainly think it is a good move to clean up a lot of old orders that have long since outserved their purpose.

If there is any basic action, that would be of a highly controversial nature, we would like to be informed of it as early as possible, and I might say that sometimes, if you get people in on the takeoff they will stick with you through the crash landings, and you can take that advice or not, as you see fit, but I do think that if we are going to develop a working relationship, that sometimes advanced notice helps.

Mr. **Carruthers**. If you are with us on the takeoff, maybe we won't have the crash landing.

Mr. **Seiberling**. Even better. I am glad you approve of my statement.

Mr. **Carruthers**. We will be very careful in the future on those that we deem to be sensitive to the Congress, to point those out to the committee. However, in day-to-day operations we will continue to release those public land orders that we think are in significant age range or insignificant in terms of an event.

Mr. **Seiberling**. Fine.

Mr. Lagomarsino.

Mr. **Lagomarsino**. Thank you, Mr. Chairman.

Mr. Burford, Mr. Carruthers, it is my understanding that proposed legislation amending the Payments in Lieu of Taxes Act has been transmitted to Congress. Is that correct?

Mr. **Carruthers**. I will let Mr. Burford respond to that.

Mr. **Lagomarsino**. Could you outline the proposal for the committee?

Mr. **Burford**. The Carter budget completely eliminated any payment in lieu of taxes. The new Reagan budget made a suggested figure of approximately $45 million.

Under the law the maximum payment is 75 cents per acre subject to a population ceiling with a minimum of 10 cents per acre. We are suggesting a few changes. Some are mainly to eliminate some inequities that we see in the act, and some change some of the lands on which payments are made.

I have with me a briefing paper containing the total changes we recommend be made in the act. I don't know if you want me to go through the entire briefing paper at this time.

Mr. **Lagomarsino**. Why don't I ask you some specific questions about it.

Does the proposal retain the basic 75 cents an acre?

Mr. **Burford**. The maximum is still in there, but actually we will be at the minimum on most of those payments.

As you can tell, if the act is not changed, the total payment this year would have to be around $104 million. The proposal to bring this down to $45 million did necessitate certain changes and reductions.

Mr. **Seiberling**. Mr. Burford, I think people are still having a little difficulty hearing you.

Mr. **Lagomarsino**. Does the proposal repeal section 3 of the act which provides for in-lieu payment for parkland?

Mr. **Burford**. Yes; it does.

Mr. **Lagomarsino**. Why was that change being proposed?

Mr. **Burford**. It has been some time since I went through that legislation, and I can't remember the exact reasoning behind the section 3 change, but I can get that information to you.

[Editor's Note.—The following information was subsequently furnished by the Department:]

The determination to repeal section 3 of the Payments in Lieu of Taxes Act was made primarily because of the disproportionate manner in which the payments were being distributed.

In fiscal year 1981, 296 units of local government will receive $5.9 million in section 3 payments. However, nine units of local government will receive $4 million of that total payment.

Since all of these units of local government will also be receiving a section 1 payment, we feel very strongly that it would be inequitable to continue making section 3 payments that benefit only a few units of local government when we are proposing to cut the program from $108 million to $45 million.

Mr. **Seiberling**. Will the gentleman yield?

As the author of that section, I am particularly concerned with it, and it was put in because we were anxious to take care of a lot of the new additions to the national park system starting with the Redwoods National Park, and some of the other additions, particularly in the East.

Now, of course, it is consistent with the administration's position that they want to put a freeze on new parkland acquisition, but I think that since Congress has already made that commitment to a lot of local governments that have lost tax revenue from land that has already been acquired, that it would be a serious breach of faith if we now repeal that section.

That is a comment for the record.

Mr. **Lagomarsino**. There is in the law still a time limit on parks.

Mr. **Seiberling**. Yes; 5 years.

Mr. **Carruthers**. This was done partly to streamline the payment to local governments so that the payment in lieu of taxes would take care of the same situation regarding parks. At the present time as we understood the legislation, there would have been two payments to certain areas, and we didn't think that that was altogether fair to all areas receiving payment in lieu of taxes.

Mr. **Seiberling**. If you will just yield once more, there were two payments, and the reason for one of them was that when you take land off the tax records, that means that that school district and that local government are going to suffer a loss of revenue, and we made some very careful studies which indicated that if we paid approximately 1 percent of the acquisition cost of that land for 5 years to the local governments and school districts, that we would pretty well offset the loss in that period and the 5 years would give them time to adjust and pick up additional revenue from further economic growth, so it was a carefully thought-out provision and it was done quite advisedly and after very lengthy debate.

Mr. **Lagomarsino**. I share some of your concerns and worked on that legislation, too, but I would point out as has already been pointed out, that your President was going to eliminate the whole thing.

Mr. **Seiberling**. I didn't agree with everything Mr. Carter did.

Mr. **Lagomarsino**. I don't agree with everything this President does, but far more than the last one. The shortages, they would be offset by increased windfall profits, and in a recent article in the Washington Post it was reported that windfall profits are actually falling far short of the goal.

Have you made any calculations on how this shortage might be offset, or what the effect might be?

Mr. **Carruthers**. No; we haven't.

Mr. **Lagomarsino**. I guess my time has expired.

Mr. **Seiberling**. Go ahead, I used some of your time.

Mr. **Lagomarsino**. In a letter to the California delegation, Secretary Watt indicated that after careful study and review he determined that the California Desert plan completed by the Carter administration represents a proper balance of uses and values, and that he is going to proceed to implement the plan.

Could you explain in more detail how the Department arrived at this conclusion and the steps being taken to implement the plan?

Mr. **Burford**. Yes. It was only after very careful review that we did arrive at that conclusion, and the California Desert plan has been put in effect.

There are certain areas within the plan which are going to be reviewed and which are in the process of being reviewed where there may be some mineral potential. We have in the budget some money to study the mineral potentials so that the classification on those areas may be changed if the mineral potential is there.

This will be a continuing review process. As you are probably aware the original advisory committee that was set up on that is due to expire at the end of this fiscal year and a new multiple-use advisory committee will be phased in.

We hope to have that committee functional at the time the other one goes out, so that considerations can be given to the correct use of the lands which have been under study and recommendations by that committee made to the Bureau. Those land classifications may be changed at that time.

Mr. **Carruthers**. If I might respond to your question, there were three things about the plan that made it very salable in our minds. One, is that we did seek the advice of Californians. Of the 15 members on the advisory committee, 13 lasted all the way through the California Desert planning process and the 2 that dropped off were immediately replaced, and they stayed on for the duration.

It is a unique plan, and it may be something we can use in the future in planning. Third, it does have elements for change. It is a dynamic plan that is responsive to changing environments in California, and we find that very acceptable as well.

Mr. **Lagomarsino**. I would like to say, Mr. Chairman, in conclusion, that I certainly agree with your advice to those gentlemen, that if they include us on the takeoff, perhaps the landing, while we might not always be able to avoid a crash, we might know what to expect and be helpful to you.

Mr. **Seiberling**. Mr. de Lugo?

Mr. **de Lugo**. I yield to Mr. Vento.

Mr. **Vento**. I appreciate the gentleman's yielding. I have to go to another meeting.

Mr. Chairman, I thank you for that.

Mr. Burford, a question arises with regard to your statement, and I don't know if I understand exactly what you mean.

On page 5 of our statement you say: "I plan to administer public lands according to the policy mandated by the people through their elected officials."

You take your cues from the law.

Mr. BURFORD. Yes; in that respect the word probably should have been "law."

Mr. VENTO. The next statement, of course, you point out that you think there are a number of interpretations that can be rendered from law, and that you are going to go according to what will be in the public benefit.

In other words, you point out that you think there is more than one interpretation of a law, and does that mean you think you can pick and choose as to what the interpretation should be of various laws that have been passed?

Mr. BURFORD. No; I don't think anyone can pick and choose between various laws which have been passed, and if I made a decision in a matter which someone thinks is contrary to law, the judicial system takes care of that very well.

Mr. VENTO. I think it does, but we have been hearing from the new administration, from the Secretary on down, that there are interpretations that are going to be made that will radically depart from past types of administration.

My concern is that if there are changes, there is a process to be followed in terms of pursuing those changes, and we would be happy to engage in that process.

That is why we are elected. If we passed perfect laws we wouldn't have a need for a 98th or 99th Congress, but they are imperfect, so we hope we will be able to participate in that process and not have to meet in a different forum in the courts.

Some specific questions, Mr. Carruthers, one of the policy statements that you make is that we should allocate cost by means of user fees and fair market receipts, and I assume that means in terms of use of public domain resources.

This weekend in the paper, the Washington Post reported that the Secretary was considering a trade of land that had a great disparity in terms of value, the value of the public, Federal land might have been much higher for a variety of reasons.

Have you had any input into that process? Do you anticipate any input into that process? Would you care to respond to that?

I disagree with that, but I am interested in your response or what your interpretation of that particular report was.

Mr. CARRUTHERS. Are you speaking about the Utah situation?

Mr. VENTO. Some of the land was in Utah and some in other areas where we were going to give up Federal land that has a much higher value for tradeoff in terms of transfer of State land.

Mr. CARRUTHERS. Congressman, we are not permitted to do that. There are limitations in the law that deal with exchange of public lands, and I doubt seriously if we can give up very expensive and valuable Federal lands for less expensive State lands.

There is an opportunity under the statutes for there to be a payout; that is, one party can reimburse the other, if the values are not equal. It is a very difficult thing in exchange of public lands for other public or private lands to determine what the value of that resource is, particularly when we are talking about the mineral value.

The valuation question is paramount and until we can resolve those valuation questions, I doubt seriously that we can meet the intent of the law and make exchange which would permit the Federal Government to give up more expensive lands for less expensive State lands.

Mr. VENTO. Has there been any new format structure to deal with land exchange?

Mr. CARRUTHERS. Not at this point.

Mr. VENTO. One of the questions in your area is the question of the MX missile.

Have you been involved, and has the Department of Interior through BLM been involved in any new drafts of the EI statement?

Mr. CARRUTHERS. Yes, sir; we have been involved in the EIS process, and it is my understanding that that EIS has been submitted to the Air Force for consideration.

The Bureau of Land Management has played a major role in the development of those comments.

Mr. VENTO. One of the other points is the new administration apparently has created a Towns Committee which Secretary Weinberger has appointed.

Have you had any relationship or role with that committee, been contacted by them for information, or participated in any way?

Mr. CARRUTHERS. I am not aware of that committee, nor have I been contacted.

Mr. VENTO. Mr. Burford?

Mr. BURFORD. What was the name of the committee?

Mr. VENTO. The Towns Committee was appointed by Secretary Weinberger to advise him concerning the basing of the MX missile.

Are you aware of any contact with the Department of the Interior concerning that committee?

Mr. BURFORD. No.

Mr. VENTO. There has been some concern recently about legal challenges with regard to land withdrawals and MX, assuming that decision is made to seek a withdrawal, is your Department participating in discussions on legal challenges with the Department of Defense or other agencies of Government?

Mr. CARRUTHERS. We would have to refer that to the appropriate Solicitor's office that would participate in those conversations if they are being held.

I am not currently aware of such conversations.

Mr. VENTO. Thank you, and thank you, Mr. Chairman.

Mr. SEIBERLING. I am going to proceed in the order in which people arrived here. The next person I would have recognized would have been Mr. Hendon, who has already left; so Mr. Craig is next.

Mr. CRAIG. Thank you, Mr. Chairman.

Welcome to the committee. We are pleased to have you here.

I am exceptionally pleased as a westerner to have people in the Department of Interior who understand public land problems that are in large part geared to the West because of our tremendous expanses of public land out there.

I cannot say that "Western" always denotes ability to manage. Former administrations have proved to me that that is not always the case, so we are very pleased to see Secretary Watt and you gentlemen who have come with him.

Mr. Burford, probably one of the big questions that still simmers in one form or another in the West is the general issue of Sagebrush Rebellion, and all that it encompasses.

The Secretary to some extent has diffused that issue by his statements of good neighbor policy, but I can say that that is not a total diffusing.

Would you tell this committee what in your mind as the Director of the BLM from which that issue has spun off, what in your mind is the good neighbor policy and can you cite specifics, examples of management that you as BLM director will be implementing within the Bureau of Public Lands that would be consistent with what we call or what you are calling good neighbor?

Mr. **Burford**. Probably one of the first actions that Secretary Watt took in order to establish a good neighbor policy was his meeting with a number of the western Governors to address the issue of land locked communities.

Most of us who come from the West are quite familiar with that issue where BLM land surrounds small parcels of land on which towns have been built, and we effectively throttle their growth, and produce inflated land values within those towns.

One of the first directions that we would like the BLM to take is to try to make those lands available for expansion, either for recreation and public purposes, or sale of lands at fair market value to those communities which find themselves in that position.

Another thrust will be in facilitating, speeding up the permitting process of the people who need to gain permits, either for rights-of-way or for drilling sites for exploration of any kind, so that they are not frustrated by untimely delays.

Another matter that I am investigating at the present time is the fact that on a recent trip to the West, I found one of the frustrations of local trades people, was that it was taking a great deal of time to process a voucher BLM had issued from local or regional offices for purchase of small amounts of goods.

I think that 6 months is too long a time to expect a merchant to wait for payment of a bill, even though it is from the Government or anyone else. Present interest rates preclude that type of operation.

I am presently investigating the idea of enabling the area and district directors to pay some of those bills in cash.

Many of those frustrations have built up over the years. I think that sometimes delay has been used merely to avoid making a decision.

I hope to impress everyone from the top to the bottom of this Bureau that we will make decisions. The decisionmaking process should be quick and as expeditious as possible under the laws and under the correct use of the planning process, and the correct judgment of all the factors, make that decision, and then if the people who receive the decision disagree with it, then they have remedy, due process on up through the appeals process.

I think that the delay has been one of the most frustrating things that has happened and I intend to reduce that delay as much as is humanly possible.

Those are but some of the examples that Secretary Watt and the Bureau of Land Management and the other departments of Interior are trying to work out in order to establish a good neighbor policy with the people we have to deal with. And those people include not only the communities of the West but also the communities of users, tourists, backpackers, and so forth, that come from throughout the United States.

Mr. CRAIG. Thank you.

Probably one of the issues now that is emerging is the whole question of wilderness on the BLM.

Can you tell us at what stage you are with the issue of wilderness and the wilderness review?

Does the administration, at this time, have any proposals that they anticipate sending to Congress as it relates to any designated study areas?

Can you brief us on that whole issue in a capsulated form?

Mr. BURFORD. As you are probably familiar, there are about 24 million acres at present in the Bureau of Land Management lands that are in wilderness study areas.

The law under which those areas are administered states that they shall be managed to prevent undue impairment of the wilderness values.

In order to get those 24 million acres back either into a suggested wilderness area for Congress to consider, or remove them for multiple use, we are trying to speed up the process of assessing the wilderness values, mineral use, grazing values, recreational values, every value which needs to be considered in that assessment, and that is one of our priority items.

Mr. CRAIG. During this study period with 24 million acres under study, what is the approach the BLM is taking to the current management of those lands?

Are we in a RARE II situation in which those lands are de facto wilderness and in limbo of management or in fact now being managed, I guess I know they are being managed but under what style of management are they being handled?

Mr. BURFORD. Under the provisions of FLPMA, the study area provision states that they shall be managed without undue impairment. There is some debate as to what undue impairment constitutes.

Some of us in the Bureau believe that if there is no permanent impairment or change to the wilderness values, that we can allow some exploration to go on inside those wilderness study areas and that exploration will proceed on pre-FLPMA leases.

Mr. CRAIG. Mr. Carruthers, one question of you:

I suspect your position is, or will become one of the most valuable positions in the administration as it relates to water.

Westerners learned a long time ago the tremendous value in the proper utilization of water. They have a lot to offer the rest of the country when it comes to good, economic and conservative uses of limited resources, and that limited resource is water.

It concerns me we are not doing as much as we should on a nationwide basis to recognize the importance of what is a finite resource.

Mr. **Seiberling**. The gentleman's time is nearly expired.

Mr. **Craig**. The whole issue of water that emerged out of the Carter administration, especially with his Executive order that forbade Federal agencies from forwarding water authorization reports to Congress until the Water Resources Planning Act was amended to establish an independent water project review function, will this administration rescind that Executive order or, if not, what is your plan in this area?

Mr. **Carruthers**. That is under review right now. We are using the Cabinet Council of Government. Secretary Watt is Chairman of the Cabinet Council on Natural Resources and Environment, and he has requested a working group on water resources, of which I am a member, to review that very issue.

We have not made a recommendation to the Cabinet Council, but you should keep an eye on the Cabinet Council which will provide the President with options regarding water project review.

Mr. **Craig**. I don't know of anything in my opinion that we need to place more priority on that the wise and effective utilization of water on a nationwide basis, and certainly within the West.

Mr. **Carruthers**. We do take water to be a national resource, and we are concerned about the water situation in the East as well. We want to pay as much attention because we think that the West has something to offer the East regarding water management schemes. The East ought to know about some of the successes and failures we have had in the West in the near term, and we should be panning to use some of those western techniques and allocation procedures in the Eastern United States.

Mr. **Seiberling**. May I suggest that those industries that need more water consider moving to Ohio. We have got plenty of it.

Mr. Udall.

The **Chairman**. I am delighted to be here this morning with the Director and the Assistant Secretary and we wish you well, and I suppose we will be seeing a lot of each other in the months ahead, and we can find areas of agreement.

Mr. Burford in his prepared testimony says he wanted to talk about perspective and philosophy. I think that is good. I think what you bring to a job by way of philosophy indicates what direction you might go. I would like to ask both of you a personal philosophical question.

Up until 1936, and the Taylor Grazing Act, it had been the policy of our country that the land in the Western States, the BLM lands, apart from forests and parks, the BLM lands were really being held by the United States pending disposition, and that our national policy was to get rid of them in due time through the Homestead Act and similar pieces of legislation.

In this committee, we did the great job of trying to overhaul the BLM and putting FLPMA on the books, and we had a lot of testimony and a lot of help. One of the first provisions in that act reverses the old national policy and says that we are holding these, the United States will hold these Western public lands as kind of a land bank for the minerals they contain, timber in some instances, recreational possibilities, mining, and all of the rest.

This was no longer going to be a set of lands that were sort of orphan lands, that we were trying to find ways to get rid of. These were a national treasure, an asset, and we would not be looking for ways to give them all away.

Do you accept that new philosophy which the Congress and the country adopted in 1976 with FLPMA?

Mr. CARRUTHERS. I am on record as being committed to operating within established law, and I would continue to do so. There are provisions in FLPMA to exchange lands, to sell lands, and transfer lands for other public purposes. We will continue to do that as well.

The CHAIRMAN. It is not enough to obey the law. We all want to obey the law. Do you think the law is a lousy one or a good one? Do you think the basic decision to keep these lands, treasure them, rather than adopting the philosophy to try to find people to take them off our hands and get rid of it is a good or bad philosophy?

Mr. CARRUTHERS. I have no problems with FLPMA in general, but there are some places where it could be amended. We will pursue multiple use in public lands for all the people. Under the constraints as indicated in FLPMA, we intend to manage those lands in that spirit. You are asking me if I believe all those lands ought to be returned to the State, is that the question that you are really getting at?

The CHAIRMAN. Even if we are not going to give them to the States, there have been problems with selling them off, simply saying you all come, this many acres out here in Wyoming or Arizona are up for sale. Cattlemen, people, ordinary citizens can come and get them. That was one of the key philosophies, those lands are to be held as multiple resource lands for all of the people in this country in perpetuity with provisions for all kinds of cases where we want to dispose of them, mineral laws, and so forth. We were not arguing with that, but the basic philosophy of whether we ought to hold those lands as national resource lands for multiple use is a good idea.

Mr. CARRUTHERS. It is a good idea, but I would release land, exchange land, or sell land when it is in the national interest.

The CHAIRMAN. Mr. Burford.

Mr. BURFORD. Consistent with what the Assistant Secretary said, I will administer the lands under the laws as passed by Congress.

As I stated previously, there will be some of those lands that I think should be made available to the States in some of the same ways that you mentioned.

I have no problem with the enforcement of FLPMA.

The CHAIRMAN. I am not trying to trap you. I wanted to see how strongly you felt and what views you might have on this.

Incidentally, you might relax a little bit, FLPMA came out of the Public Land Law Revision Commission of which I am the only surviving member in the Congress, I think except for Senator Jackson, and that key provision that I talk about was sponsored by the Chairman of the Commission, Wayne Aspinall, so I hope, that is one thing that has troubled me most about this talk on the Sagebrush rebellion.

After having had this 8-year Commission which did a landmark job, we were going to kick that overboard in order to award wholesale, without much study, great chunks of land to the States. It troubled me a little bit that some of our brothers in the West went off on that kind of philosophy.

That is all I have.

Mr. SEIBERLING. One of the great qualities of our committee's distinguished chairman is that he always tries to raise the level of discussion to the motivations, the philosophies, the rationale for what we are doing, and sometimes he is the only one who looks at the whole forest instead of the individual trees.

I guess Mr. Brown is next.

Mr. BROWN. My question would be addressed to Mr. Burford.

I have heard over the years comparisons made between the cost of administering grazing land by the State in comparison to the cost of the BLM administering it. The comparisons that I had exposure to always indicated the BLM cost a great deal more per acre than State administration.

Have you seen any studies in this area, and do you plan to develop any kind of comparative analysis of management cost?

Mr. BURFORD. We are aware that some of the Western States have prepared studies comparing administrative costs but we have not received any copies of these studies. The Bureau of Land Management is participating with the Forest Service in a review of grazing fees, administrative costs, range improvement expenditures, and lease arrangements on grazing land administered by State and other Federal agencies. Data from this study should be available in the latter part of 1982.

Mr. BROWN. Thank you.

Mr. SEIBERLING. Mr. de Lugo, did you wish to ask any questions?

Mr. DE LUGO. Mr. Chairman, I would like to say I am impressed by the background, the experience that both gentlemen bring to their positions, and I, too, would like to comment on two of the statements made by Mr. Burford, and I have one or two questions.

I was impressed by your statement that you plan, ". . . to administer the public lands according to the policy mandated by the people through their elected officials," and that I understood the laws as passed by the Congress, again by this committee.

You have already answered that and commented on that several times today.

I was also impressed by your background as a legislator and working for consensus. You chaired the committee and took a lead role in writing Colorado's Coal Mine Reclamation Act and helped achieve introduction and passage of a forceful and balanced act acceptable to industry and the environmental interests. The word acceptable does not mean that either side was completely happy, but, in the traditions of our system of Government, a good, workable and fair compromise was achieved.

I would like to comment that I was impressed by that statement that you made in your prepared statement.

In your statement, you say that the Bureau is reviewing its regulations to eliminate burdensome, excessive and counterproductive regulations. Could you identify more specifically what regulations you have in mind?

Mr. **Burford**. As I am sure you are aware, one of the thrusts of the administration is to review, undertake a review of all regulations.

We find that some regulations are outdated. Some regulations no longer serve the purpose for which they were promulgated.

Occasionally, it has been my experience that a regulation is really not cost effective, that the result it produces costs more to produce than it is worth, so we are taking a look at almost all the regulations in all of the bureaus in the Department of Interior, specifically on grazing, surface mining, all the oil and gas and coal leasing regulations with the idea of streamlining those processes, so that while still adhering to the laws under which we operate, we can speed up the process.

Mr. **de Lugo**. Do you expect any changes to be proposed in the interim, management policy for wilderness study areas?

Mr. **Burford**. That is under consideration at the present time. We have not made any decision on it, it is under study, as are all our land use planning regulations.

Mr. **de Lugo**. I understand. It is still very early in the game. Policies are being formulated.

Mr. **Burford**. I was sworn in about 10 days ago, sir.

Mr. **de Lugo**. On page 5 of your prepared statement, you state, "We must find a solution to the wild horse and burro problem which is plaguing the West."

Congress acted in 1978 to change the law, and to require the removal of excess wild horses and burros from the public lands. Do you believe that the law as it is now written gives the BLM the flexibility necessary to deal with the problem, or are further changes in the law needed?

Mr. **Burford**. That is under study at the present time. I am not sure, but there may need to be some changes in the law.

Your committee's report on our wild horse or burro program suggests it is not cost effective, and that we do need to increase the adoption fees and if I remember correctly, you suggested that we not increase them all in one year, but that we do start moving these fees upward to where that program pays for itself.

I would suggest, and I don't know whether the committee considered it when they looked at the effect of increasing those fees, but the demand curve will drop as the fee increases and I assure you that, according to our studies, preliminary at best, that demand will then no longer take care of the excess horses and burros.

Under the present law this leaves only one solution for the Bureau of Land Management, and that is destruction of those horses on the range.

Congress did not give us any right to sell those horses under any other conditions, or do anything except destroy them.

I would submit that that will be a very, very emotional program, and I think that perhaps that law should be very carefully looked at by your people to see if it is cost effective. I completely concur with the conclusion that the committee came to, that we should not be spending $4 million, $5 million, and $6 million a year to subsidize an adoption program for horses when at the same time we are finding it necessary to cut down on some other very good programs.

Mr. SEIBERLING. Will the gentleman yield?

Mr. DE LUGO. I yield.

Mr. SEIBERLING. Isn't it correct that the Fish and Wildlife Service does have authority to sell those horses to commercial meat rendering firms if there is no other, if they cannot dispose of them as horses for use?

Mr. BURFORD. The Wild Free-Roaming Horse and Burro Act does not apply to the U.S. Fish and Wildlife Service. It does not apply to anyone except the Bureau of Land Management and the Forest Service.

Mr. SEIBERLING. However, unlike BLM the Fish and Wildlife does have that authority, only on wildlife refuges, of course.

Mr. BURFORD. Yes; they have that authority but the BLM is looking at an estimated 40,000 to 45,000 horses above what the 1972 levels were, and it is my belief that we cannot keep up with that growth. You know, Mr. Chairman, you start out with four horses. It takes you quite a while to get to the first 100; but after you get to the first 100 it does not take you very long to get to the second 100 and geometric progression takes place.

Mr. SEIBERLING. My question really was going to be, do you feel it would be helpful if the BLM had the same authority as the Fish and Wildlife Service?

Mr. BURFORD. I certainly do. I think that it is almost essential that we get that authority, if we are to keep wild horses and burros from destroying the ranges of the West, and that is what is happening today.

Mr. SEIBERLING. There has got to be a public education campaign. I am afraid the Wild Horse and Burro Act was passed in sort of a wave of emotion without everyone really understanding the full nature of the problem.

Of course, to just let the horses multiply indiscriminately is not doing the horses any favor. They will end up starving on the range, as well as destroying the native habitat of other animals and we will have to educate the public to the fact that these are very destructive horses that we are dealing with, and if we do not control them, why, they are going to destroy a lot of things the public also holds dear, particularly our native species.

Mr. BURFORD. You are absolutely right in that. If you look at renewable forage production, we have just so much renewable forage available, whether it is for domestic animals, horses, antelope, elk, deer, what have you, there is only a certain amount of forage available.

We should not allow one species to entirely dominate and destroy that forage. And horses are very hard on the range. Those of us who have been raised around horses know that. They eat at least 23½ hours a day, whereas domestic animals, and deer, and elk will take a rest. I think we are seeing today the results of some of the emotionalism under which that law was passed.

Mr. CHAIRMAN. Will the gentleman yield to me on this?

Mr. DE LUGO. Be happy to.

Mr. CHAIRMAN. I would like to join Congressman Seiberling in what he stated. This is an unusual thing, an emotional thing that got started in the country, save the burros, and we put through some legislation that wasn't very well thought out.

My whole life was in the area of the Grand Canyon and here is an exotic species that never was in the Grand Canyon, and there are now thousands of them, and they ruin waterholes for deer, sheep, and have taken over habitat that would take care of a lot of animals that are native there and we have all got to do a little bit of a job in educating the public. Nobody wants to see horses shot, and rushed off to make dogfood, but we will have to be firm and educate the country.

The same kinds of dedicated people who sent all those letters are the kind of people who believe in the National Park System and recognize the fragility of the whole ecosystem in the area. The Grand Canyon has natural kinds of grasses on it.

You can expect from this committee some strong support, sensible efforts to get rid of this problem.

Mr. BURFORD. I would be glad to work with you and the rest of this committee on that problem, because I do believe that this will require legislative changes.

Mr. DE LUGO. I think my time is up.

Mr. CARRUTHERS. Would you yield briefly on this point?

Mr. SEIBERLING. I will recognize Mr. Hansen if he wanted to yield.

Mr. HANSEN. I will yield a minute if that is all right, if I have that much time.

Mr. CARRUTHERS. I am pleased to hear the discussion on the problem of horses and burros. I have observed this problem firsthand within miles of my family ranching operation, and I have seen the exorbitant expenditure of dollars in not only the facilities for gathering these animals, but also for adopting them.

I would like to insert for the record, that in the annual production of grass for the perpetuation of existing species on the range, we also need to put in a strong and substantial plug for the domestic livestock industry, both sheep and cattle, which have and will continue to play an important part in the overall use of that public land.

Mr. SEIBERLING. The record will reflect that statement.

Mr. BURFORD. Congressman, I think that my background is well enough known that sometimes I am afraid to mention sheep and cattle.

Mr. CARRUTHERS. I am not.

Mr. BURFORD. Thank you.

Mr. SEIBERLING. Mr. Hansen.

Mr. HANSEN. We appreciate what you have said here today and I have enjoyed reading your statements.

I would like to point out, if I may, that I represent a large part of the State of Utah where many of the things that you people are involved in will come into play, and I appreciate Chairman Udall's comments about what he has said, one or the other. I don't know if I interpret that legislation the same way that he does, but I would surely submit to Chairman Udall who has such a great background and knowledge in these things. Coming out of the east side of Utah that has everything in it that you are involved in, we still find ourselves in some great frustration, extremism or whatever you want to call it, our people are pretty frustrated when it comes to developing their coal, uranium, tar, oil shales, and they get pushed around by Interior.

If we go down to Moab, they carry 30-30's, that is out of line also.

Well, I would hope this great word we are bouncing around now in Congress, "balance" is something you gentlemen read into this as something more than past organizations have and this good neighborhood policy comes into play. It is easy for me to sit back in these ivory towers and say things.

Well, I know Mr. Burford's experience in the legislature, as speaker of the House, I had a similar position in Utah at the same time he did.

If I may ask one question that is bothering some of our folks, there is a tremendous backlog in processing mineral patent applications. Do you intend in any way to break that up, or do you feel you can?

Mr. **Burford**. We are going to defer to the Deputy Assistant Secretary, David Russell, to respond to that.

Mr. **Russell**. There are 400 man years worth of mineral patent applications pending before the Department.

Some of these are decades old; 4,400 patent applications are pending. A couple hundred of those are the responsibility of the Bureau of Land Management. Others are before IBLA, the Forest Service or before the courts for resolution.

The new people at Interior have taken several steps to try to find out how many patent applications are pending, what kind of personnel changes we need to address to that situation, and we started discussions with Forest Service, Assistant Secretary Crowell, to try to resolve those patent applications pending on Forest Service lands, but it won't be an easy fix. These patent applications have accumulated over the years, and they require a high degree of technical expertise to process them, and BLM is a little short of that expertise right now, so it will be a long term process of eliminating the backlog.

Mr. **Hansen**. You won't let it go?

Mr. **Seiberling**. Secretary Watt, when he appeared before the subcommittee, he said he expected to have the backlog cleared up by the end of 1982.

Are you saying that that schedule has been reviewed?

Mr. **Carruthers**. If that is in fact the Secretary's expectation, it will probably soon be our expectation.

Mr. **Seiberling**. I hope so.

Mr. **Carruthers**. I would like to note that one of the things that concerns us in the Department of the Interior is the fact that over the years we have developed a habit of unnecessarily delaying the enterprise system as the public applies for various leases, applications, permits, and patents, and we are trying to overcome that problem as quickly as we possibly can.

We don't think it is right to ask the enterprise system to support this country, or delay the public because of bureaucratic redtape or our inability to be responsive.

We have moved the decisionmaking back to the field level as much as we possibly can. Decisions will be made in your hometown, and our employees may be responsible for more decisions than they have in the past, and we can take into consideration the local environment as well as the fact that people will be talking to the decisionmaker.

I am hopeful that will help overcome some of the problems that you picture now.

Mr. SEIBERLING. I would like to say that it was this committee that set the 1982 deadline, and Mr. Watt said he intended to meet it, so just to make clear exactly how the thing came up.

Mr. CARRUTHERS. We have taken careful note of that.

The CHAIRMAN. I wanted to ask you, you said you were short of the kind of expertise you need at this time to expedite this process. Is that shortage in any way affected by the 51 people who got fired?

Mr. CARRUTHERS. No; it is not. We have difficulty retaining people in the minerals area because industry right now is more competitive in those areas than the Government is. We would hope to be able to remedy that, but it takes some rather effective and aggressive recruiting to keep those staffs completed.

The CHAIRMAN. I wish you well.

Mr. HANSEN. What is your intention as to speeding up the leasing of the Federal coal lands?

Mr. CARRUTHERS. We have the coal-leasing program under review right now.

We would expect to have those rescissions complete by the end of the year. And our proposal will probably be available to the Secretary within the next 2 to 3 months.

Mr. HANSEN. Thank you very much.

Mr. SEIBERLING. All right. Mr. Kogovsek.

Mr. KOGOVSEK. Thank you, Mr. Chairman.

There is probably no one here today that knows Bob any better than I do. I served with Bob in the State legislature for a number of years in Colorado, and I want to report to the committee and the people in attendance, that I, on behalf of the Democrats and Republicans in our former State legislature, respect Bob Burford as an honorable person, somebody who understands Colorado and the West. And I want to report to you, Mr. Chairman, that we have a person in Bob Burford's position who I think will understand some of the very difficult problems that face this Congress and this Nation. Bob has an understanding of the West that few people have and he is the kind of addition to the administration that we as Democrats and Republicans can support.

I have a couple of questions for you, Bob. I apologize for being late this morning, but let me also indicate to you some of us are going to be meeting with Secretary Watt for lunch. I have written him a letter about 1 week ago asking him if he would reconsider his decision, as far as moving the Office of Surface Mining out of Denver. He wants to move it up to Casper, Wyo.

It seems to me to be a very remote location for that office. In my letter, I have asked him to reconsider that decision, and if he is going to move it any place, it should be moved over to the western slope of Colorado, maybe into the Grand Junction area which is going to be the center of activity for Colorado, and Utah, and so on.

I would like your consideration, and I will send you a copy of that letter, if I have not already, asking for your help in trying to convince the Secretary that this might be a better move.

Second, let me ask this one question. There are people in this room who get tired of me bringing up this subject. You are a cattleman, and you understand grazing and my problems in southeastern Colorado where we have an arid climate, an area that is presently being used for marginal grazing, and I think the area is not what you would be used to as a cattle rancher. It takes 50 to 100 acres to take care of one cow operation. The Department of Defense wants to come into a State that has at least a third of it owned by the Federal Government, and they want to condemn more grazing lands for the purposes of training troops.

The Comanche national grasslands which is directly adjacent to it is under the Forest Service. I have a strong feeling, and I think that you would agree, once we have a bunch of tanks adjacent to that area, we will be sending a lot of dust into the Comanche grasslands.

Would you care to speak on the subject of the Army coming in and taking over the 224,000 acres of private land?

Mr. BURFORD. I think the Secretary has made it very clear that the position of this entire administration is to limit the acquisition of Federal land, of increasing the acreage in Federal ownership and where at all possible, to effect those necessary uses by exchange. You are aware of the difficulties of trying to make exchanges in that particular area, because most of the BLM lands in the State of Colorado are located on the western slope, and they are tied very closely to private lands, State lands, and Forest Service lands, and it presents an almost insurmountable problem in the way of exchange.

Mr. KOGOVSEK. I am not talking about exchange. I am asking for your personal opinion of that kind of a land grab, that kind of a takeover.

Mr. BURFORD. I stand by the first part of my statement, that this Department and the Bureau and I personally am not in favor of any more, of any increase in Federal ownership of land anywhere.

Mr. KOGOVSEK. Thank you.

Mr. SEIBERLING. Thank you. We have completed one round here, and I would like to start off the second round with a question we touched on, but I think it is terribly important.

Secretary Watt has previously said when he first appeared before this committee, the full committee, that he thought that he would promote the idea of transferring BLM land in exchange for private land in national parks or national forests that is slated for acquisition, in lieu of using cash, and thereby saving the taxpayers some money.

Would that be, in your opinion, Mr. Carruthers and Mr. Burford, an appropriate reason for exchanging BLM land?

Mr. CARRUTHERS. Mr. Chairman, I do not disagree with that philosophy at all, and we exchange land in response also to any other public agency that feels it is in need. So if the Park Service evidences such needs, we exchange land to Department of Energy, Department of Defense, and so forth.

Mr. SEIBERLING. So we could use that for buying out in-holdings in national forests?

Mr. CARRUTHERS. Private in-holdings or public?

Mr. SEIBERLING. Yes; private.

Mr. CARRUTHERS. Those exchanges are possible. We have done that in the past. They are difficult, and we have discovered that in private to public exchange we run into the question of valuation. If the valuation question can be solved, the provisions are there to make such an exchange.

Mr. SEIBERLING. We found in the past you usually need some cash to work out minor differences in valuation, but that it can be done. Our biggest problem has been a bureaucratic one, that the BLM does not like giving up turf, and Mr. Watt privately told me that he is going to put an end to that kind of thing, that if a decision is made to go ahead and have an exchange, that he is going to see that it is carried out.

Of course, there are a lot of ways of preventing these things from happening, like negotiating over the money, and so forth, and so on.

I want to get a feel from you. If Congress, for example, authorizes an exchange, or if it seems in the interests of the Federal Government and it can be done with administrative initiative, is that going to be pushed so that we know that that is a feasible program and not just words?

Mr. CARRUTHERS. I don't think that troubles us at all. We are prepared to handle those kinds of exchanges under FLPMA.

Mr. SEIBERLING. Let me get into another end of it. We have passed a couple of bills in this subcommittee authorizing the exchange of Federal coal for coal and other minerals in land the surface of which is Federal land, but the coal and minerals were privately owned.

One example is the Cranberry primitive area in West Virginia. The House last year passed a bill of this committee to put that national forest area into wilderness. It has been a primitive area since the 1930's. We included some language which we worked out on the basis of the technical advice from the BLM, but the BLM never did sympathize with it, and didn't really support it. They simply gave us the technical assistance.

What about that kind of exchange? Would that be feasible under proper circumstances in your opinion?

Mr. CARRUTHERS. I am not familiar enough with that particular exchange to respond.

Mr. SEIBERLING. I am not referring to that particular one.

Mr. CARRUTHERS. Philosophically, I have no problem with what you say. I am aware that the BLM continues to pursue the thought that the land in Cranberry can be mined satisfactorily.

Mr. SEIBERLING. The Chessie System, which owns the coal, does not think so, because they recognized the practical problems of environmental groups suing, and so forth, and so on, so we decided to bite the bullet, and they agreed, and the local Congressman agreed, and I just wanted to get a feel as to what your general position would be on that sort of thing.

Mr. CARRUTHERS. A most difficult question, because this particular private entity also has, if they were granted the lease, the opportunity to challenge whomever is not issuing whatever permits are required, including the State, and to continue to pursue that lease. There are other examples of that in the Bureau of Land Management.

Mr. Seiberling. This is not a lease situation. They were willing to give up their vested coal rights provided they get some coal somewhere else. That is their position.

Mr. Carruthers. Who is challenging their position?

Mr. Seiberling. Nobody is challenging it, but Cranberry Wilderness was recommended by the last Administrator under the RARE II process, to be a new wilderness area, but the problem was what to do about the privately owned coal, and the environmental people in back of the wilderness proposal strongly felt that the coal shouldn't be mined, and of course, there was a problem about how to value it and so forth if you didn't mine it and had to use cash.

In lieu of using cash, we worked out a proposal to give Chessie BLM coal in exchange, and it was acceptable to the Chessie people, and we did pass it in the House, and it got over too late for the Senate. It did not pass. There were not any Senate hearings. It probably is going to come up again.

The Chessie people were in to see me yesterday. Congressman Benedict supports it. The local officials, according to Chessie, have said they might as well face the fact that it is never going to be mined as a practical manner, so I am trying to find out if there is any chance of getting the support of the administration if we try to work it out.

Mr. Carruthers. There is a chance. Philosophically I am opposed to bailing out companies which are in the process of obtaining a lease, and for some other reason not controlled by the Federal Government, they have a difficulty. For example, the State Water Board in Florida, in one case, will not issue a water permit to that company. I am not sure we should be in an exchange posture to bail them out when some other public has denied them a right.

Mr. Seiberling. Suppose it is the Federal Government itself that denies them the right?

Mr. Carruthers. Then I think that is a different question entirely. If the Federal Government led them to believe that that was a realistic lease, and they invested money to discover the resource and another part of the Federal Government indicated that it was not permissible to mine, then I think——

Mr. Seiberling. It was blocked for 45 years by the fact that it was made a primitive area. It is not a lease. They simply own the coal, the mineral rights.

Mr. Carruthers. Private coal under Federal surface?

Mr. Seiberling. Right. What is your feeling, Mr. Burford, on that?

Mr. Burford. There are evaluation problems. The bill last year did try to address, and according to our current estimates, it will probably cost in excess of $1 million to make a correct evaluation, and by correct I mean we need to get to a settlement which Chessie agrees to, and which the USGS agrees to.

It is an expensive process. That is a thin vein, very high-grade metallurgical coal. At the present time we are taking one more, probably final look at the area to see if there is any environmentally sound way to get that coal out.

I personally have really no philosophical difficulty with allowing them some rights some other place, as long as the people who are considering the area for wilderness or not understand that there is an additional cost of $20 million to the Federal Government in one way or another, or I take it the $20 million is a figure out of the air, not a correct estimate?

Mr. **Seiberling**. Yes.

Mr. **Burford**. As long as it is understood that they take that into consideration in their evaluation of wilderness.

Mr. **Seiberling**. It is a lot cheaper than paying cash for the mineral rights. The $1 million to do an evaluation is a lot less than you would have to pay if you actually bought them out with cash?

Mr. **Burford**. Mr. Chairman, I philosophically cannot differentiate between what the Federal Government would achieve in the way of cash by replacing that coal with what is essentially income to the Federal Treasury with an outlay of cash.

Mr. **Seiberling**. I am looking at it from a cash-flow basis rather than from the balance sheet point of view, and it does seem to me, if you are trying to cut Federal expenditures, this is one way to do it, use coal instead of cash. Can you tell me what would be the estimated cost of the land exchange proposed by Utah of State lands in exchange for Federal oil shale and coal in Utah?

Mr. **Burford**. I don't believe we have a complete estimate on what it would cost to evaluate all the mineral values in that exchange, or in the exchanges that are being suggested by other States.

I have noted in the proposal that it be considered in these cases where values are unknown, that we look at a proposition whereby if we exchanged section for section, that the United States would retain 50 percent of the mineral values of the section exchanged, and the State retain 50 percent of the values it exchanged. In essence, we are exchanging 50 percent of an unknown for 50 percent of another unknown, and perhaps that might be a way that we could facilitate exchange and at the same time get away from very expensive mineral evaluations which may or may not prove the existence of minerals.

Mr. **Seiberling**. You wouldn't make any evaluation?

Mr. **Burford**. Under this type of proposal, this could only be used in similar lands where you are exchanging one type of land for another, that you could say we will each take half and half.

Mr. **Seiberling**. That is an interesting idea. I am not sure that will ever fly, however, because you may end up giving up a lot more than you get in return.

Mr. **Burford**. That would not be the intent.

The intent would be that if you have two adjoining sections of land, and you don't know the value underneath, and you determine surface values, exchange on surface values and exchange 50 percent of mineral values which would be unknown.

Mr. **Seiberling**. If the State of Utah does not know, I will be very surprised, but let me ask you this as a general matter, if it is OK to exchange Federal oil shale or coal land for the State lands in Utah, why isn't it OK to do it in West Virginia?

Mr. **Burford**. I see no difference. I see absolutely no difference.

Mr. **Seiberling**. I do not see any either, frankly, and yet I see that, on the one hand, the administration seems to favor the idea that was put forth by Utah and on the other hand, they don't seem very enthused about doing it in West Virginia. The only distinction I can make is, one is private coal and the other is State land.

Mr. BURFORD. I must confess that I don't understand the question.

Mr. SEIBERLING. Here is the State of Utah that comes in and says they have some in-holdings inside Federal lands in Utah, and they would like to exchange those lands for federally owned oil shale or coal lands in Utah, and I think it is a perfectly sensible proposal. I am not necessarily opposed to it. On the other hand, we come along with a proposed wilderness and say that since that prevents Chessie from developing their coal with complete freedom of action in West Virginia, well we propose exchanging that coal for Federal coal in the West somewhere, and Chessie gives up the profits it would make from hauling the coal without any compensation, yet that somehow does not seem to meet with the same degree of enthusiasm. I don't understand the difference.

Mr. CARRUTHERS. We can't respond to the degrees of enthusiasm in these two cases. The BLM is pursuing the case in West Virginia on a parallel course, one course allowing Chessie to mine that coal under certain provisions, even though wilderness is involved. The other course is the possibility of a land exchange.

Our experts in the area of land exchange have difficulty with the question of valuation, and it is always a serious question, and until we can resolve it comfortably, there will always be a problem with land exchanges. It is even more difficult in terms of enthusiasm, more difficult to exchange across State lands. The government of the State of Utah understands exchanges within their boundaries, but it is difficult to explain to Colorado that they will have to give up coal leases that potentially might go to someone there as a result of something that is happening in West Virginia.

Mr. SEIBERLING. There is a lot more coal where that came from.

Mr. CARRUTHERS. I am talking about pure politics. We have a little politics in our business in the Department of the Interior, and we feel that pressure as you do in the Congress.

Mr. SEIBERLING. The bill we passed limited the coal to be exchanged to coal that is east of the 100th meridian. We are not affecting western coal, I misspoke on that, it would be Alabama Federal coal or in some other Eastern State, Kentucky or something like that. We couldn't find any in West Virginia.

Mr. CARRUTHERS. I was indicating, Mr. Chairman, that I think we have indicated our enthusiasm for your case by following this parallel path of trying to resolve Chessie's case in the wilderness area, as well as seek other opportunities for them to exchange.

Mr. Burford tells me now that Chessie has a line into Alabama and that would be one of the possible sources for such an exchange.

Mr. SEIBERLING. Good.

Mr. CARRUTHERS. We cannot report on the status of that now.

Mr. SEIBERLING. We would like to try to move that forward.

Congressman Benedict has resolved the issues in his district involving that bill, and I think having passed an awful lot of wilderness legislation, all by consensus approach in the last Congress, with one major exception, that being Alaska, well, I guess Idaho was an exception.

Mr. CRAIG. Thank you, Mr. Chairman.

Mr. SEIBERLING. We feel that this is another such case.

Let me just, my time has expired, but I am going to try to finish up this subject of exchange.

What about consolidating BLM holdings? Isn't that another good reason to try to have land exchange?

I was looking at the map of the BLM holdings in the West, one of the more detailed maps, and it impressed me that there are all kinds of scattered small holdings very far from any major aggregation of BLM lands.

Shouldn't we try to clean that situation up and consolidate some of those holdings?

Mr. BURFORD. That will be one of the major thrusts of this administration and that will be affected in some instances by some of those areas and sections that you refer to. Some might fall within national forest boundaries and we are working with the Forest Service about consolidation of areas where they can take over by exchange some of the lands that are isolated from BLM lands and in certain instances where forest lands that are entirely surrounded by BLM lands, BLM will take over those lands.

There is a very strong effort to effect good management by consolidation, either by sale, exchange, gift to a public entity of some of those isolated tracts.

This will take place not only within the Western States but if you look at the map of of BLM landholdings within the Eastern States, there are a lot of scattered tracts, some of which have title problems but some of which can be turned over to other governmental entities for management.

It makes very little sense to me to try to manage an isolated 40 acres in West Virginia or in Florida or wherever it is, where we have these small areas. Part of that should be exchanged out for park inholdings or made available to local or State governments for their use under the various provisions of the law or in case we have a 40 sitting someplace in the State, I personally would favor public sale of some type, because it is not intelligent land management to try to manage scattered tracts in that way.

Mr. SEIBERLING. Would you include BLM inholdings as one of those things you would exchange for some of those outholdings?

Mr. BURFORD. Yes, sir.

Mr. SEIBERLING. Thank you.

Mr. Lagomarsino is next.

Mr. LAGOMARSINO. I have one more question.

Mr. Burford, Secretary Watt indicated earlier, and we know this, so that he plans to submit new legislation to revise the 1902 Reclamation Act. Has that legislation been finalized yet, do you know?

Mr. BURFORD. I am going to have to defer to the Assistant Secretary on that. I try to specialize in land and most of the land I specialize in is dry, so I don't know much about water.

Mr. LAGOMARSINO. Mr. Secretary?

Mr. CARRUTHERS. Yes; our proposal from the Department of Interior will be finalized soon and submitted to the Congress.

Mr. LAGOMARSINO. Has it been finalized yet?

Mr. CARRUTHERS. It has not been finalized yet.

Congressman, my best estimate is that it would be a month or a month and a half before we finalize it. It is in draft form at the moment.

Mr. **Lagomarsino**. I take it you don't want to discuss any of the recommendations at this point.

Mr. **Carruthers**. That is correct.

Mr. **Seiberling**. Mrs. Byron?

Mrs. **Byron**. No questions.

Mr. **Seiberling**. All right Mr. Craig.

Mr. **Craig**. Just a couple of short followup questions.

First of all, I am pleased to hear you talk about consolidation vis-a-vis exchange to get some of those parcels taken care of.

My State is no different than many Western States with 40's and 80's and 160's in sections scattered, which make them impossible to manage.

One of the things that has been so clearly demonstrated to me is the inefficiency in the use of the personnel.

In the central part of my State when they attempt to go in and do some limited timber sales on BLM lands, an 80 or 160 that is inside State or Federal or even private land, and the inability to properly handle that, I hope you move very aggressively in that area to consolidate it.

It seems unreasonable to me that we have gone as far as we have over the years and not consolidated our efforts.

There is under foot now in the West, and I am waiving it in Idaho, some efforts toward the reorganization of the BLM that have been ongoing for some time. In my particular State, that reorganization is not being met with great favor because of the proposals to build new and large facilities in a situation of moving away from existing facilities, and some of them really are quite new, and it is all being done in the name of economy.

It doesn't take much of a pencil to question the economics of that kind of a shift or have an approach that they are using.

Mr. Burford, can you comment on your plans and is there an effort to reevaluate those proposals and/or plans that are in process at this time?

Mr. **Burford**. I think your statement that that plan was not being met with great favor was one of the understatements, at least of the day, and perhaps it is being met with a great deal of very vociferous opposition, as you and I both know.

I am in the process of taking a very close look at that plan and also taking looks at alternatives. I am a great believer in cost/benefit studies, and I have tried to impress on the staff, as soon as I came here, that I didn't want any plan presented to me that did not have cost/benefit studies connected with it.

I cannot give you an answer as to what will happen in Idaho. I can tell you that it will receive a great deal of personal attention from me before anything is implemented.

Mr. **Craig**. Thank you.

Mr. Chairman, Mr. Burford and probably Mr. Carruthers, in this next question, it is believed by many of the permittees of the BLM user at this time that there was an understanding that came out of the 1976 Organic Act, FLPMA, that there would be more dollars being returned to the land for the purpose of rangeland improvements, and the general improving of the well-being of that land, not only for domestic livestock production but for the general use of it for, of course, native species.

Generally speaking, now it appears, and I would be very anxious to know that many of those dollars that were promised never reached the land. It has been argued that they were never appropriated by Congress, but all the while that argument goes on, we have seen a tremendous increase in the building of very expensive multimillion dollar structures by the BLM for purposes that they deem necessary in their management approach.

Can you respond to that and is there any effort by your Department at this time to analyze policies of that act as it related to dollars being returned to the land for purposes of management and/or improvement of rangeland conditions?

Mr. BURFORD. I will defer at least part of this to the Deputy Assistant Secretary. He has been taking a very close look at some of the funds that you are speaking of, the 8100 funds, also the PRIA funds and has made contact with the Western Governors and they are making a study of it in addition to what is being done within the Bureau.

Frank DuBois has done quite a bit of work on that.

Mr. CRAIG. In response to that, Frank, would you also, if you can, include in your response, have any of the moneys that were originally allocated for the purpose of rangeland improvement been diverted for the use in wilderness studies and environmental impact statements?

Mr. DUBOIS. Prior to coming on this job, I was on a task force of the National Governors Association that was studying the BLM expenditure of 8100 funds for range improvements. There had been allegations made that too much of these funds were going for overhead and administrative costs, and that in addition some of those funds were being spent as part of the grazing EIS process.

It is my understanding that task force has now completed its work and they finalized the report on May 18 in a meeting in Boise, Idaho, and Governor Evans and Governor King, the two cochairmen, will submit the results of that study to the Secretary of Interior very soon.

It is my understanding that report concerns the legislative history of those sections of FLPMA which deal with 8100 funds, and they also collected data with the assistance of the Bureau of Land Management on how those 8100 funds were spent district by district and statewide over five different States.

We do not know whether they have in fact been able to validate that some of those funds were spent for EIS purposes.

Mr. CRAIG. When will that be available to the committee?

Mr. DUBOIS. To the committee?

Mr. CRAIG. Or Members of Congress who would be concerned about it.

Mr. DUBOIS. You would have to contact the National Governors Association to obtain a copy of that. The Department of Interior has not received a copy yet but we will take a hard look at their findings and, based upon that, look at revamping how these 8100 funds are expended.

Mr. **Carruthers**. Philosophically, we will drive as many of those dollars back to application and cultural practices on the rangelands as we possibly can. We think we need to be more involved in range activities in the Bureau of Land Management.

We are trying to enhance a resource.

Mr. **Craig**. One last question. I think all of us would agree that many of the problems we face on the public lands, as it relates to the use versus the perception by the public and/or the permittee, is a lack of information, a lack of understanding of why certain practices are being done and what their end result might be.

Can you tell me if there is going to be any effort on the part of the BLM to utilize or make greater use of the advisory boards on a State-by-State basis, new roles that they might become involved in, new methods that would involve a greater level of communications to all segments of the public that are users of the public lands, and in this case BLM?

Mr. **Burford**. Mr. Congressman, I certainly concur with you in that I feel it was a great loss when the original grazing advisory boards were taken out and left out for a while, because there resided a certain amount of educational expertise as well as a great amount of historical expertise, in those original grazing advisory boards.

We intend to make as much use of multiple use and grazing advisory boards as possible, because I feel multiple use boards are one of the best ways to get the message of the proper use of rangeland out to the public, but that they have a great deal of knowledge to contribute to the Bureau.

Another effort will be made in all the decisions affecting users. I have told our State Directors, and area managers and district managers, that one of the best ways to promulgate the good neighbor policy is not to surprise people, to consult with people before decisions are made, give them a chance to get input and explain why a decision either adverse or in favor is being made and attempt to meet on a middle ground, so we do not continually have an adversary position.

Mr. **Craig**. Thank you very much.

One of my great frustrations in the last several years has been to watch the BLM in their process of research and drafting of EIS statements as it relates to potential wilderness, is to find that they would not search out and acquire information that was of what I would have thought tremendous value to them.

You can oftentimes take the accumulated knowledge of the permittees or resource users in a given district, and have available several hundred years of accumulated knowledge. Some folks came out from the East to participate in those studies, they simply didn't understand Western rangelands are very subject to climate change which may be very drastic over a number of years.

Their values were current to the location at the time and only over a 2-year period instead of a 10- or 12-year time span that has to be considered and is very indicative as to production, and I would hope the BLM would be more adjustive in those kinds of areas.

Mr. **Seiberling**. The time of the gentleman has long since expired.

I would like to say, Mr. Burford, that I would hope that the same good neighbor policy that you so forcefully articulated would extend to the Congress, and in particular to this subcommittee and matters within its jurisdiction.

It has not been notable since January 20, and I would hope that situation would change. We have not been notified, consulted or in any way contacted in advance about any of the decisions which have so far been made by your Department, and that is not what I would call a good neighbor policy.

If it is a good policy to treat the people in the Western States in that considerate manner, and I think it is, then it is also good policy in dealing with this subcommittee.

Mr. CARRUTHERS. We don't disagree with that, and we will try to do a better job in the future.

Bob and I have not been around a long time, and this is a learning process.

Mr. SEIBERLING. I mean with the majority members as well as the minority members.

Mr. CARRUTHERS. We do have a slight bias to the right, but we will be committed to——

Mr. SEIBERLING. We like to be treated as good neighbors, too.

Mr. Kildee?

Mr. KILDEE. Thank you, Mr. Chairman, and I apologize to you and the witnesses for being tardy.

I was at an education and labor caucus discussing the proposed cuts of $12 billion.

You mentioned before I got here that 24 million acres has been identified as wilderness study areas out of all the BLM lands which means about 92 percent, am I right, of the BLM land now is released from that wilderness review?

We have 338 million acres, and only 24 million acres are still identified as wilderness study areas.

Mr. BURFORD. That is the amount that has been identified as wilderness study areas, and as far as any of it being released back, it has not been released back. That is what has been identified as having wilderness potential of one type or another. The rest has remained in multiple use.

Mr. KILDEE. The rest is not now being designated as wilderness study areas?

Mr. BURFORD. Yes.

Mr. KILDEE. Is it correct that on the overthrust belt where we had the accelerated inventory there is only 1½ million acres of that land which is still under wilderness review?

Mr. BURFORD. I do not have those figures at my fingertips but I will agree, they are close.

Mr. KILDEE. Of the overthrust belt 13 percent is still under the wilderness review, so the rest is not under that review.

Do you think then there is any real serious problem in locking up BLM land inasmuch as most of it is not under wilderness review at this time?

Is there really any serious problem that we have in terms of locking up BLM land?

Mr. **Carruthers**. I think there is a very serious problem in that there are other users who, for example, in the West, have permits for use on wilderness study areas?

In the West, when ranches are sold, along with the sale go some of the permits. As long as we have them under wilderness study areas, some of the transactions in the private sector cannot be made with full knowledge, so we need to expedite the study of those particular areas and if in fact they do qualify for wilderness, they should be so designated.

If they are found nonsuitable they should be released as soon as possible.

Mr. **Kildee**. It is a small percentage we are talking about here.

Mr. **Carruthers**. I do not disagree with that, but the coal that we were concerned about a while ago with Chessie Railroad is a small percentage of the coal in the United States, but we are just as concerned with their problem.

Mr. **Seiberling**. If the gentleman would yield, would the BLM consider following the grazing guidelines that we worked out for the Forest Service in wilderness areas, and that are now incorporated in various statutes such as the Colorado wilderness bill that we passed last year?

Are you familiar with those guidelines?

Mr. **Carruthers**. I am not familiar. Perhaps Mr. Burford is.

Mr. **Burford**. You are referring to the grazing guidelines as in presently established wilderness areas?

Mr. **Seiberling**. Yes; any reason why they shouldn't be also followed in wilderness study areas by BLM? If they are applicable to wilderness areas created by statute, I would think they would be equally suitable for wilderness study areas.

We spent a great deal of time working them out with Congressman Jim Johnson, formerly the ranking minority member of the Public Lands Subcommittee, with the National Cattlemen's Association, the Forest Service, and my question is, is there any reason why the BLM couldn't adopt them for its own use, as they expressly provided conditions for grazing in wilderness areas.

Mr. **Carruthers**. As a point of information, why wasn't BLM considered in those negotiations?

Mr. **Seiberling**. Because we were working them out in connection with the RARE II regulations which involved national forests, but I don't know any reason why they shouldn't apply to BLM, and one of the reasons we worked them out was we were repeatedly told the Forest Service was not complying with the law as set forth in the Wilderness Act that expressly authorizes continued grazing in wilderness areas.

We went through a very long process and ended up with the solicitor of the Department of Agriculture and so forth, and we finally worked it out to everybody's satisfaction, including his, and that would be a very appropriate thing for use by the BLM.

It never came up before.

Mr. **Carruthers**. I am informed that we have adopted that right now in our proposed wilderness policy and that the nonimpairment clause guidelines are——

Mr. **Seiberling**. That ought to solve the problem as far as grazing is concerned, those areas that Mr. Kildee referred to.

Mr. **Craig**. Might I respond to you on that question briefly?

Mr. **Seiberling**. Yes.

Mr. **Burford**. I don't believe that there is a great problem as far as grazing is concerned in wilderness study areas.

Mr. **Seiberling**. That ought to take care of the ranchers.

Mr. **Burford**. They are operating under a no-impairment policy, and I know of no specific examples where they are making great complaints. They are concerned about further impairment of grazing privileges which might be possible under wilderness designation.

Mr. **Kildee**. What permittees were you referring to, since you say there is no problem with the grazing? You were mentioning that there were permittee problems.

Mr. **DuBois**. I am familiar with the report language that was worked out in the various RARE II bills that passed in the last Congress.

The reason the report language came about was that, in fact, there were allegations that restrictions which were put on range improvement practices made livestock operations economically unfeasible in a wilderness area and, as I recall, Congress was concerned that the Forest Service was not administering wilderness policy in compliance with the 1964 law. Therefore, they came out with this report language to clarify that. However, up until that point the grazers had run into many and various problems in wilderness areas throughout the West.

One of the other problems is that allegations were made and to some extent were true that wilderness policy was unevenly applied from one forest region to the other, and this was another attempt by Congress to get an evenhanded approach in place.

There are examples in my home State of New Mexico where ranchers have applied for range improvement permits in an area that was under inventory, and they were denied based on the fact that the area was under consideration as wilderness.

That creates a problem. I am not sure if that is the exact problem to which Dr. Carruthers referred, but there are examples of that and it may be a case where on the ground managers in the Bureau are misinterpreting the intent of Congress.

There are occasions where that has occurred.

Mr. **Craig**. I would like to respond in general to that question, and Frank has done a reasonably good job at it at this point, and that is the general concern.

When we look at BLM wilderness, we tend to look at it a little differently than we do wilderness within the National Forest System.

There is a conclusion by permittees in the Western States that once a parcel of land becomes wilderness, it is only a matter of time until the livestock that have grazed on that land will be gone, and it is reasoned in many respects because of the inability to manage the land in concert with those livestock operations.

Economics are a critically important thing in an industry that is plagued with economic problems. For example, the inability to use motorized vehicles to take material in to develop a spring or even the ability to develop a spring for the proper utilization of rangeland is all part of that consideration.

Mr. SEIBERLING. That is allowed under the guidelines which Mr. Carruthers says they are now following?

Mr. CRAIG. It is and it isn't. I can take you to locations and show you applications that have been and are continuing to be denied, and we ought not suffer under the illusion that the law has totally corrected the problems.

One of the concerns that certain wilderness areas are managed almost in a localized sense is a valid statement. There is very little argument among traditional resource users in the West that once a parcel of ground is placed under wilderness, it is the intent of the Federal Government from that point forward to some day see the conclusion of livestock grazing on that land.

That is not what the law says in a general sense but, in a specific sense of application, that is what the law has come to mean.

Mr. SEIBERLING. Well, then, they better start carrying out the law.

Mr. CRAIG. I would agree with you on that, and I would have to disagree that it is important that we include the same law or regulation as it applies to BLM wilderness as applies to RARE II wilderness.

Mr. SEIBERLING. Why isn't it appropriate? It works in the national forest wilderness; why wouldn't it work in BLM wilderness?

Mr. CRAIG. It is my conclusion that it is not working in the forest system and driving those most important users of that land from it.

Mr. SEIBERLING. If it isn't working, it is because the people in the field are not carrying out the instructions from Washington.

Mr. CRAIG. That may in part be the case, but it also is reflective of the lack of sensitivity, and I don't mean that in that you or this Congress has been insensitive, I mean in a true and practical understanding of the domestic industry and how it must operate to be able to afford the economics that it has to have to operate during these economic times.

There is an old illusion that public land is cheap grazing land. Let me assure you, Mr. Chairman, it is the most expensive grazing land, and every bit as expensive because of the nature on which it has to be utilized by those domestic users as is private land.

Mr. SEIBERLING. It is one thing if they are not following the guidelines.

Mr. CRAIG. In some cases they are not.

Mr. SEIBERLING. It is another thing if the guidelines are inadequate, and that is a question whenever the subject came up I have always addressed, but we can't tell if they are inadequate unless, first of all, they give them a chance to work, and what I am hearing from the witness table is that they have not yet completely implemented the guidelines as far as I can see, that BLM has some way to go and after we have implemented the guidelines and there are still problems, then we ought to address them as we discover them.

First of all, let's put them into effect.

Mr. CRAIG. I will certainly be one of the members of this committee that will be willing to work with you in readjusting those guidelines to make them practical.

Mr. SEIBERLING. They are a heck of a lot better than before we had any guidelines.

Mr. **Kildee**. There is no real lock-up of the BLM wilderness review lands. By your own figures, 92 percent of the BLM lands are released already. Even in the WSA area, reasonable mineral access is being provided.

The interim management policy allows a vast majority of uses to occur on WSA's and protects those areas until Congress decides which BLM wilderness lands deserve wilderness designation.

Some activity must be disapproved because it would destroy wilderness values, and that does not really create any significant problems, especially in light of the special wilderness values represented in those small parcels of land. If there are cases where there are some truly significant conflicts between preserving some very delicate wilderness area or its development that conflict would be resolved by the Congress.

I hope the Congress would act upon that.

Mr. **Carruthers**. The point I was trying to make is that 24 million acres is not an insignificant number of acres anywhere. We wish to expedite the evaluation process because private and public decisions await our judgment, on that and the Congress judgment on that, and our interest in this administration is to expedite that as quickly as possible.

We do not consider 24 million acres to be a small amount of acreage.

Mr. **Kildee**. I think if you have any real serious conflicts you should bring them to the Congress for our action. The Congress would certainly look at some serious conflicts. In the meantime I don't think there is a great amount of land in WSA's. That is a question of you saying 24 million acres, while I say 8 percent.

It is a question of values. That is why we have discussion. I probably value that 8 percent very, very much. I presume you can argue the same thing too, but we do have some values as to how we should use that land, and not use it in a way where we cannot regain what may have been lost.

Mr. **Carruthers**. No one disagrees with that point. We have removed from the particular private decisionmaking the ability to sell the private holdings which are associated with public holdings. There is a different price for a ranch if it may be under wilderness area than there is if it is not going to be under wilderness area.

People would really like to know which it is going to be. Perhaps they could charge a higher price if it is designated as a wilderness area under BLM.

We think as public servants we should expedite the process. If the private sector is not strong then we have some great difficulties in this country and we are trying to take the burden off the private sector and accept that burden if it means streamlining our process.

Mr. **Kildee**. One of the roles of government is to try to resolve conflicting claims, needs, and desires, and I think the term "expedite" lends itself to interpretation.

We certainly want to carefully approach that study to make sure we do not do something to a piece of land that cannot be undone or permit a use that should not have ever taken place on that land, but we are trying to be reasonable also in protecting the public interest.

You are concerned about resolving that possible conflict between public and private interests, and that has been the role of Government for many years, resolving conflicts.

We are probably very cautious in trying to make sure we don't do something that can't be undone, and I hope you take that into your consideration.

Mr. **Carruthers**. Don't underestimate the sensitivity of westerners to the environment. I get the impression you may suggest that in expediting those things we will not carefully consider environmental questions.

That is not true. Those of us who grew up in the desert Southwest are very cognizant of the sensitivity of those people. We have no intention to do anything detrimental to that environment.

Let's also admit that Government does not move with blinding speed, either in a bureaucracy or in the Congress and, as a consequence, we can move that process forward to the advantage of the public. If it is really going to be a wilderness area, we need to know that soon.

We can enhance and protect that environment.

Mr. **Kildee**. Most actions should be expedited prudently.

Mr. **Carruthers**. We agree.

Mr. **Seiberling**. Thank you.

As a final point on what Mr. Kildee mentioned, Secretary Watt in his appearance on the McNeil-Lehrer program with Congressman Udall a week before last said that the public lands had been closed to the public and that one of the objectives of his stewardship was going to be to open them up.

I think there is a certain confusion in terms here.

Last week, when I was holding a hearing out in California, I heard 170 witnesses in 1 day on California RARE II legislation.

I took the occasion to ask a number of groups of witnesses if they felt that they had been excluded from the public lands that were under wilderness study or in any other way.

Nobody said they felt that; so when Mr. Watt talked about the public lands being closed to the public, I think that that is not a correct statement.

What we are talking about is they have been closed to private interests, to the extent that there has been any closure at all by wilderness study or by wilderness consideration. An individual rancher, a mining claimant, an oil company is not the public. It is a private interest, and while I recognize that it is important to give them the opportunities under the multiple-use concept to use public lands, we ought to quit talking about public lands being closed to the public.

They have been open, and the only time they have become closed to the public is when some rancher is able to put a fence around them or when some mining company is able to take over and mine a portion of the public lands, so I don't feel that we ought to continue to use that kind of terminology, and I hope that we won't.

If you want to comment on that I would be happy to have your comment.

Mr. **Burford**. I don't see how you differentiate between a rancher or a miner or an oil man as a member of the public.

Mr. **Seiberling.** They are members of the public. But they are not the public.

Mr. **Burford.** The public consists of all of us. I try not to differentiate between a backpacker and a rancher or anyone else.

They are all members of the public and we are all, those of us in the executive branch, servants of that public, and you are an extension of that public and, therefore, we will continue to do your bidding, but I cannot personally accept a definition of a rancher or a miner or an oil driller just because they are in the development business as not being a member of the public.

Mr. **Seiberling.** They are all members of the public, and they are all open, they are all allowed to go on the public lands.

The real question is, can they go on the public lands and cut trees, drill for oil, dig for minerals, or graze cattle?

That is the question.

It is a question of use, not whether the public lands are closed to them, they are not. Being an oil man or a miner, they can go on public lands as much as he wants.

The real question is, is he going to be entitled to change the character of those lands and do some things on them other than merely enter them, and that is the question that we have to deal with, obviously, but I am just trying to say that I think the rhetoric has been most misleading and the public lands have not been closed to the public.

No wilderness areas are closed to the public. They are all open to the public.

The question is what other kinds of uses than mere entry are going to be permitted, and that is the real question.

I am merely asking for a little more careful rhetoric.

Mr. **Carruthers.** I appreciate your perspective.

What you and I would both agree on is that there is an opportunity for greater multiple use of the lands, that some of our lands have been locked up to fewer public uses than the resources can absorb.

Mr. **Seiberling.** Those that are not public uses, the minute you convert that land to mining, logging, or even grazing, that is not a public use, that is a private use, and you are using the same misleading terminology.

The only public use is use which everyone as a member of the general public can enjoy. Everything else is a private use of the public lands, and I am merely saying that the rhetoric has been very confusing and I am just saying for the record that I think we need to end this double talk, so to speak.

Mr. **Carruthers.** I don't think we will disagree as much. We both labor over our own definitions and we have a semantics problem more than a philosophical problem.

Mr. **Seiberling.** I don't want to prolong this too much, but there is a very important area that we have not touched upon.

Director Burford, I see in a news release dated May 28, the BLM and the Air Force have signed a cooperative agreement for Air Force land-use studies concerning possible locations for the MX missile system.

Could you outline for us just what activities will be covered by this agreement?

Mr. Burford. I think I have a copy of it.

They want to conduct some soil studies, drill some test wells, and do some surveys.

They are investigating the possible adaptability of that site for deployment of the MX missile.

It is not a construction permit, but rather an investigation permit.

Mr. Seiberling. What would this agreement permit which would have been precluded without such an agreement?

Mr. Burford. It is one of the vagaries of FLMPA that we do have to have some kind of memorandum of understanding before we can allow another public agency to go on public land.

Mr. Seiberling. What will BLM's role be in regard to those activities?

Do they oversee them?

Mr. Burford. Yes; they will oversee them.

Mr. Seiberling. Will there be any cost to BLM?

Mr. Burford. Cost should be minimal to BLM.

The cost will be borne by the Air Force, Department of Defense.

Mr. Seiberling. Have you received my letter of May 20 concerning protests by the Nevada cattlemen against the Air Force's desire to receive temporary-use permits or cooperative agreements to facilitate their activities connected with the MX?

Mr. Burford. Yes; I must apologize. I didn't check this morning, but that response should be ready shortly.

Mr. Seiberling. All right. Thanks.

Are the activities covered by the new agreement the same as those that the cattlemen were worried about?

Mr. Burford. Some of them may be similar, such as the soil tests, and some of the investigations of water potential in the area. There is some concern on the part of cattlemen in that area.

I think that maybe their concern goes to whether or not that would be selected as an MX site rather than to the actual testing, and I certainly do not blame them for that concern, and I have discussed it with them several times. That is a decision which will be made on a higher level than that which I occupy.

Mr. Seiberling. This is another example of how it might be helpful if we were consulted in advance on things like this agreement as part of the good neighbor policy.

We really had no input into this, and yet we have spent a tremendous amount of time in the last year or so studying this whole MX issue.

I was out in Tonopah, Nev., last week, and one of the complaints of the cattlemen is that the Air Force is drilling test holes wherever they have a spring, or a tank or well rather, and if they decide to contest those, it costs them an average of $300 per drilling to go down and contest them, as to whether it will affect their water supply, so there are a lot of specific problems that need to be addressed.

For example, are they to be compensated for their costs in protecting their rights?

Perhaps this will require legislation, but I do feel that we do need to try to work together on solving some of these very critical problems.

Was the Solicitor asked for an opinion on the points raised by the cattlemen, as I outlined in my letter?

Mr. **Burford**. That letter, before it comes to me for my signature, will be surnamed and will go through the Solictor's office and be surnamed.

Mr. **Seiberling**. What about the points that are raised by the cattlemen as to the validity of their complaints?

Will those also be referred to the Solicitor?

Mr. **Burford**. I would imagine, on those particular points, if I remember that letter correctly, that we would have to get a solicitor's opinion as to their validity.

Mr. **Seiberling**. If you do, my letter asks for a copy of any solicitor's opinion.

Mr. **Burford**. I will see that you get a copy of any solicitor's opinion.

[Editor's Note.—In response to Mr. Seiberling's request, the Department subsequently submitted information concerning Nevada cattlemen and the deployment of the MX missile. That information may be found in the appendix.]

Mr. **Seiberling**. Yesterday I received from some of the Nevada cattlemen photographs of the damage already being done to the rangelands. Every time you disturb the soil you get noxious weeds coming in afterward, and there are an awful lot of vehicle activities going on on some of those lands with the resultant generation of those halogentons.

Mr. **Burton**. It is a weed from Russia, halogentons.

Mr. **Seiberling**. Their concerns are real. We need to explore ways of meeting them.

Thanks. I guess it is about time we gave you some relief.

I want to thank you very much for appearing before us today, and I hope this will be helpful in working out some kind of working relationship.

Mr. **Carruthers**. We appreciate the opportunity, and we look forward to being good neighbors.

Mr. **Seiberling**. Thank you.

Mr. **Burford**. I, too, appreciate the opportunity. I am willing to appear before this committee at any time you so request.

Mr. **Seiberling**. Thank you very much.

The hearing is now adjourned.

[Whereupon, at 12:30 p.m. the Subcommittee on Public Lands and National Parks of the Committee on Interior and Insular Affairs adjourned.]

PUBLIC LAND MANAGEMENT POLICY

FRIDAY, JUNE 12, 1981

House of Representatives,
Subcommittee on Public Lands and National Parks,
Committee on Interior and Insular Affairs,
Washington, D.C.

The committee met, pursuant to call, at 9:45 a.m., in room 1324, Longworth House Office Building, Hon. John F. Seiberling (chairman of the subcommittee) presiding.

Mr. **Seiberling**. The Subcommittee on Public Lands and National Parks will please come to order.

This morning we are continuing our series of oversight hearings on public lands policies that are now being put into place by the new administration; and also their handling of policies that have been mandated by the Congress.

Prior hearings have focused on policies of the Department of Interior and today we are going to turn to another major public land department, the Department of Agriculture, and particularly the U.S. Forest Service.

Initially we requested Secretary of Agriculture Block to appear today. But as I advised members by my memo of January 8, Secretary Block was unable to arrange his schedule for this purpose at this time.

We are working on arranging a future date at which we can hear from him, hopefully sometime next month.

Today, the Department will be represented in the absence of Secretary Block by the newly confirmed Assistant Secretary of Agriculture for Natural Resources and Environment, Mr. John B. Crowell.

Of course, many of the programs and responsibilities of the Department of Agriculture are not directly related to the public lands, although they do have a direct connection with the larger subject of national land policies generally.

But the Department, as is well known for historic reasons, is responsible for the national forests, and various aspects of their management are within the jurisdiction of this committee and the Subcommittee on Public Lands and National Parks, more precisely.

Within the Department of Agriculture, of course, it is the Assistant Secretary for Natural Resources and Environment who has immediate responsibility for seeing to it that the various laws pertaining to the national forests are properly implemented. So it is appropriate that we should have this opportunity to hear from and have a dialog with Assistant Secretary Crowell.

Before we proceed, however, I would like to ask the gentleman from California, Mr. Clausen, if he has any remarks?

Mr. CLAUSEN. Thank you, Mr. Chairman. I would like to join in welcoming Mr. Crowell before the committee for this first portion of the oversight hearings.

I had an opportunity to read his statement last night, and I want to extend my appreciation for the fact that it was submitted to us in advance of the hearings. We have had difficulty in the past with any of the administrations in getting these statements to us in advance, so that we can have a chance to peruse them, and be prepared to ask questions.

I look forward to hearing the presentation.

Thank you very much, Mr. Chairman, for calling this hearing.

Mr. SEIBERLING. Thank you.

Mr. Weaver, do you have any opening remarks?

Anybody else have any opening remarks?

Mr. Craig?

Mr. CRAIG. Mr. Chairman, let me thank you for asking our new Assistant Secretary to be with us. It is a pleasure for me to get to know John Crowell. I look forward to working with him on some very important issues that affect the national forestlands of Idaho and the West, of great concern to me, and to those of us who are especially interested in Forest Service lands—issues like roadbuilding and sustained cut and a variety of things that now is your direct responsibility.

And so, I am pleased to have you with us this morning. Thank you.

Mr. SEIBERLING. Thank you very much.

Mr. Crowell, I note that your statement is somewhat lengthy. In the interest of time, I would ask if you would be willing to have the entire statement printed in the record and give us an oral summary of it.

Mr. CROWELL. I was about to ask you permission to do just that, Mr. Chairman.

Mr. SEIBERLING. Thank you. Without objection, the entire statement will be placed in the record at this point, and you may proceed to give us what you consider to be the high points.

[Prepared statement of Hon. John B. Crowell may be found in the appendix.]

STATEMENT OF HON. JOHN B. CROWELL, JR., ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT, U.S. DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY MAX PETERSON, CHIEF, U.S. FOREST SERVICE

Mr. CROWELL. Thank you, Mr. Chairman. I do appreciate the opportunity to appear before the subcommittee to discuss with the subcommittee the public land policies of the administration and to outline how they will be carried out by the Department of Agriculture in its management of the lands within the national forest system.

I know that some have publicly expressed fears that this administration is unlikely to bring a sense of balance to shaping policy and to making decisions with respect to the national forests.

I can assure the committee that I will do my very best to discharge with sound judgment, economic good sense, and with honor, the responsibilities laid upon me.

It is within that context that I will outline the views of this administration concerning several national forest issues of particular interest to the committee.

The policies and programs that will provide the basic resource management direction during this administration are now being shaped.

I will briefly summarize the broad philosophy of this resource direction and then highlight how it relates to some of the major national forest system activities that are of particular interest to this committee.

It is this administration's firm conviction that the national forests have the capability to contribute a great deal more to the economy of this Nation than they have been called upon to contribute in the past. It is also our conviction that this can be done without damage to the environment.

This administration will emphasize productivity. We define productivity to include all resource uses, not just commodities.

We are committed to making national forest system lands working lands. We will attempt to return optimum benefits in dollars, outputs, and uses.

This does not mean that every multiple use must carry its own cost. Only timber, minerals, forage, and some forms of developed recreation are likely to do so directly.

This administration is committed to making the market system work. The Forest Service will not try to undercut the private sector in providing products or services. Rather than compete with the private sector, we hope to strengthen our relationships and to seek new approaches for involving the private sector in providing recreation opportunities in the national forests.

We also have to clarify and finish up old business, such as the RARE II process. We expect Congress to continue its consideration of the RARE II lands. I will discuss this a bit further in my testimony.

Before I move on to the specific issues and concerns, however, I would like to reaffirm this administration's commitment to multiple use. The national forests are designated by law for multiple use.

The 1960 act put the longstanding practice of multiple use into statute. Multiple use was carried even further in the Resources Planning Act and the related National Forest Management Act.

These individual laws are the threads of our natural resource legal fabric. They remain the basis of the Nation's public lands policy with respect to the national forests, no matter what administration is in the Presidency.

This administration strongly supports these laws and is committed to implementing them.

The administration endorses the concept behind the Forest and Rangeland Renewable Resources Planning Act, commonly known as RPA, that a comprehensive, long-range plan can contribute to an organized and to a logical approach of renewable resource management and protection.

Further, the administration supports the general process embodied in the Resources Planning Act as amended by the National Forest Management Act, which seeks to relate results and benefits directly to costs to help determine desirable program levels and directions.

The 1980 RPA assessment and program were transmitted to Congress in June 1980. In November 1980, Congress approved a revised statement of policy which established goals for the timber and range resources.

We support the objectives contained in the revised statement of policy for achieving increases in outputs over the long term from the national forests.

We believe such increases must be accomplished in a cost-effective manner. We are as concerned about the productivity of Federal outlays as we are about the productivity of Federal lands, and will seek each year to produce programs at the lowest feasible costs.

The fiscal year 1983 budget now being developed will be the first opportunity that this administration will have to deal with the broad array of objectives and issues presented by the RPA process in the light of the personnel and financial resource constraints that are required by the President's program for economic recovery.

Forestland management plans are being prepared and are scheduled for completion during 1983. The completion of these plans is one of our highest priorities because the size and extent of many of our programs will rely substantially upon the data and other information those plans will contain.

We are learning as we carry out these planning processes. We will seek ways to make them more useful and efficient for the future application of RPA.

Turning now to the issue of wilderness, I am concerned that future generations of Americans have available to them the bountiful abundance which is generated from our forests and rangelands that we of this generation enjoy.

I believe we can set aside more areas for wilderness purposes, but such new wilderness should generally not be lands which have productive capability for other urgently needed goods and services, including more intensive forms of recreation opportunity.

The wilderness classification process should not be used as a mechanism to prevent or to delay other resource uses. An area should contain substantial wilderness qualities to be considered for formal classification.

For the most part, the RARE II wilderness recommendations developed by the Forest Service identified areas of high wilderness quality and low resource tradeoff.

We believe the RARE II recommendations so developed provide the essential basis for congressional consideration of additional wilderness designations.

This administration will not undertake yet another road-lease area review and evaluation, nor are major modifications of the RARE II recommendations contemplated.

This administration does intend, however carefully, to consider and to evaluate legislative proposals for additions to the wilderness system.

The administration is concerned about potential consequences of additional wilderness designations on the long-term availability of resources, including timber, minerals, oil and gas, geothermal resources, developed recreation, wildlife and fish, and forage production.

The costs to society of foregoing benefits from those resources, as well as the benefits of wilderness designation, need to be carefully evaluated in every instance.

The availability of wilderness administered by other agencies also needs to be considered as we look at specific proposals.

The administration will be relying on the professional judgment of the Forest Service to analyze the resource implications of these proposals.

We intend to support congressional designation of wilderness areas recommended from the RARE II process, where such designations will not significantly affect availability of resources and local and national economies.

The recent testimony of Deputy Secretary Lyng regarding wilderness designations is indicative of the general approach we intend to follow.

He indicated that in Washington State, we concur with designating nine new wildernesses and wilderness additions totaling 233,500 acres in that State, which already has 1.5 million acres in wilderness and 1.6 million acres of roadless lands in national parks.

We did, however, object to the Cougar Lakes and Boulder River proposals where we believe other resource values and uses outweighed designation as wilderness.

The status of approximately 15.4 million acres of roadless and undeveloped lands in the national forest system recommended for wilderness or for future planning in the Lower 48 States remains to be resolved.

We urge the Congress to complete its consideration of the areas recommended for wilderness.

With regard to the further planning areas, we intend to utilize the forestland management planning process as the best way to resolve the use of those lands.

To summarize, for more than 10 years, most of the 62 million acres considered in RARE II, almost one-third of our national forest system, have been in a planning limbo of studies, lawsuits, and repeated studies.

With increasing national demands for both renewable and nonrenewable resources, we can no longer afford further delays.

The resulting uncertainty is having a severe impact on public and private investments which are essential to meeting the Nation's demand for wood, on exploration for and development of mineral and energy resources, on range capability, on wildlife management, and on the expansion of developed recreation opportunities.

We believe it is essential to end this uncertainty. We believe the quickest way to do that would be to provide in law that the 36 million roadless acres that were designated for nonwilderness be managed for uses other than wilderness.

We strongly support legislation under consideration in the Senate, such as S. 842, and such as H.R. 3358, which has been recently introduced in the House.

We believe such statutory direction is necessary to avoid legal entanglements such as the *California* v. *Bergland* lawsuit which has prolonged the process of indecision in the State of California.

The cumulative effects of wilderness and wilderness study designations and classification to use every nonwilderness roadless areas are having significant impact on the ability to plan for orderly management of the national forests to provide a predictable flow of essential goods and services.

This proposed legislation does not tie the hands of any future Congress from enacting wilderness legislation.

It does provide for a much needed end to the frustrating cycles of delay and uncertainty which have thrown our forest resource planning and management out of balance.

We also support the provisions of this legislation which set specific time limits for congressional action, both on pending wilderness which may be generated from the further planning process.

We likewise support the concept that after those dates, it is proper that national forest system lands be managed for multiple uses other than wilderness unless they have been specifically designated as wilderness.

It is the administration's position that the concepts embodied in S. 842 and in H.R. 3358 are of such importance that no additions to the wilderness system should be made without providing at the same time equally assured status to unroaded lands designated for multiple uses other than wilderness in RARE II, or which may not be recommended for wilderness as a result of the further planning process.

With respect to timber, more than ever, greater demands are being placed on the Forest Service to provide a variety of goods and services.

This is particularly true of timber and timber products. The RPA assessment projected substantial increases in domestic and world demand. Looking into the future, national forest timber clearly must play an increasing role in meeting the American people's needs for wood products, along with full employment and a healthy economy.

As a part of the land management planning process, we are analyzing a wide range of alternatives to arrive at the best balance of resource uses. We believe there are significant opportunities to increase national forest timber production primarily in the Pacific Northwest, but not necessarily limited to that region, through a more rapid replacement of slow-growing, overmature timber with vigorous young growth stands.

Mr. Chairman, the rest of my statement is already in the record. In the interests of shortening the time being used to give my statement, I would terminate the statement here.

I would be prepared to answer any questions that you or other members of the committee have.

I have with me several representatives from the Forest Service, including Chief Peterson.

I may find it necessary to ask them to assist me in responding to any of the questions which the members may have.

Mr. SEIBERLING. Perhaps Mr. Peterson and some others might wish to sit at the table with you. It might make matters more convenient for all concerned.

Mr. Crowell, first of all, let me say I am going to go on the 5-minute rule. I will ask staff to keep time on me and the other members.

I was very interested, of course, in your comments on the wilderness question, and also the planning cycle in the National Forest Management Act.

Of course, the net effect of the National Forest Management Act, which I strongly support, is to provide the framework for effective management of the national forests. And I gather that you are satisfied with the law as it now stands.

Mr. CROWELL. Which law is it you are referring to?

Mr. SEIBERLING. The National Forest Management Act.

Mr. CROWELL. Yes; the National Forest Management Act provides a rather detailed framework for preparing the necessary land-use plans which would provide for a long-term management of the national forests.

By and large, it has provided substantial additional provisions for the Forest Service to carry out the process which had been evolving for some years before the act was passed.

We think it is a useful act. It was good progress in respect to providing better direction to the Forest Service.

Mr. SEIBERLING. One of the multiple uses that is contemplated by the act is wilderness. You agree with that.

Mr. CROWELL. That's correct. Wilderness is also one of the multiple uses provided in the Multiple Uses Land Yield Act of 1960.

Mr. SEIBERLING. Correct. And yet, you indicate your general support for the concepts embodied in S. 842 and H.R. 3358, and those bills would, in effect, amend the National Forest Management Act to preclude future consideration of wilderness as one of the multiple uses, except to the extent that Congress has set aside certain areas under wilderness designation.

How do you reconcile that with flexibility of management as contemplated by the National Forest Management Act?

Mr. CROWELL. I don't interpret the Senate bill, S. 842, or H.R. 3358, the House bill, as foreclosing wilderness use.

What they would foreclose would be designations of additional wilderness through a wilderness system which is already very large.

Mr. SEIBERLING. Well, I don't like to correct you, but they go beyond that and say that they shall be managed for nonwilderness use—that anything Congress has not put in wilderness or that is not in wilderness study shall be managed for nonwilderness use.

And that in any future planning, wilderness use cannot be considered as far as the Forest Service is concerned. In short, in the development of future land management plans the Forest Service will be required to look at every possible use of the land except wilderness.

Mr. CROWELL. That would be true with respect to the lands which are described in those bills. But you are conveniently, I think, Mr. Chairman, leaving out of account the fact that the national forest wilderness system would still be managed by the Forest Service.

Mr. SEIBERLING. Yes. But my point is, wilderness is one of the range of multiple uses that the Forest Service is required to consider in its planning process by the National Forest Management Act.

And the Hayakawa bill would preclude consideration of the wilderness option in second-generation plans, which is contrary to the present law.

Mr. CROWELL. You can make the same argument turned around, Mr. Chairman, with respect to the wilderness designations precluding other multiple uses.

Mr. SEIBERLING. But the Congress giveth and the Congress taketh away. If the Congress designates an area wilderness, they have made an exception to the National Forest Management Act.

Mr. CROWELL. Following that same line of reasoning, Mr. Chairman, that is precisely what would be done with adoption of the two bills which you are referring to.

Mr. SEIBERLING. So what those two bills they would be doing would be making a basic change in the planning aspects of the National Forest Management Act.

Mr. CROWELL. They would be making a change to it, yes.

Mr. SEIBERLING. To that extent.

On page 8 of your statement, you say that "No additions to the wilderness system should be made without providing at the same time equally assured status to unroaded lands."

But the Hayakawa bill does not give equal status, because it says that all lands that have not been designated wilderness or wilderness study by Congress will be managed for nonwilderness purposes but there are no concurrent wilderness designations in the bill.

In short, the bill does not do anything about clearing up the status of the RARE II lands that have been recommended for wilderness, only those which were recommended for nonwilderness.

I don't consider that to be equal status at all. I consider that to be one of the most one-sided approaches that there is.

Let me ask you this.

Last year, Chief Peterson, representatives of the timber industry, environmentalists, the minority and majority on this committee, sat down together in this room and, in the course of three meetings on 3 different days, we worked out a compromise approach to this question of release.

The compromise language is included in the Colorado Wilderness Act, the New Mexico Wilderness Act, the Alaska Lands Act, and also in the California wilderness bill that we passed in the last Congress, which didn't get through the Senate.

At the time, everybody seemed to think, including Chief Peterson, that that was a reasonable compromise—even though no one was completely happy.

What's the matter with that approach?

Mr. CROWELL. I cannot speak for what happened in those sessions, Mr. Chairman.

Mr. SEIBERLING. Have you seen the language of that?

Mr. CROWELL. Yes. I was not there. But the compromise, as you have characterized it, was not something which was accepted by all parties who were involved in the concerns about the wilderness designations being made in those particular bills.

Mr. SEIBERLING. All the people present thought it was a workable compromise, including Mr. Barnes, who represented the National Forest Products Association.

Since then, he has changed his tune a little bit in view of certain subsequent events. But nevertheless, that was the fact at the time.

Mr. CROWELL. Mr. Chairman, I beg to differ with you, because—I am referring now to the committee report which came out of the full committee with respect to the California wilderness proposal, which did not become law.

But on page 53 of that report, it states that—

> The committee, in an effort to resolve this issue, conducted three lengthy drafting sessions at which the Public Lands Subcommittee chairman and staff were joined by the chief of the Forest Service and representatives of environmental organizations and the timber industry.

Mr. Barnes, to whom you referred, was the one representative for part of the timber industry who was present. "The timber industry argued for freedom from wilderness review until the year 2000. This is a longer period than the committee was willing to accept."

And then it goes on giving some more description about that situation.

Mr. SEIBERLING. Yes, they did argue——

Mr. CROWELL. It indicates that it was not a compromise which was agreed to by all those who were involved in the negotiations.

Mr. SEIBERLING. Yes; they did argue for it, and the conservationists argued for no limitations. And after all the arguments on both sides were presented, and a consensus was reached as to what was a reasonable compromise of the argument.

And Mr. Barnes himself wrote several pages of the committee report in which he set forth that we expected that there would be no changes until 1993.

But that isn't my question. My question is, from your point of view, what's wrong with that compromise provision?

We were very careful to protect the prerogatives of the Forest Service. We didn't say they could not manage them for wilderness purposes and we did not say they had to manage them for any particular purpose.

What we did was eliminate any requirement that some court might try to impose, to the effect they had to be managed for wilderness. We also said they need not be managed to protect their wilderness qualities, thereby preserving the flexibility of the Department.

And I think Chief Peterson was very satisfied with our approach, because it tried to preserve his flexibility.

My time is up. If you want to respond to that, feel welcome to do so.

Mr. CROWELL. Thank you.

The thing that is wrong with that so-called compromise, Mr. Chairman, is that it does not provide the adequate long-term protection against further wilderness set-asides that is required by the

Forest Service in order to carry out the long-term planning which is mandated by the National Forest Management Act.

The act calls for a plan to be worked out over a 40-year timespan. And if that is to be carried out with any assurance or certainty, if the investments that are to be made for other multiple-use purposes, except for wilderness, and they are to be made with any kind of assurance, we need a term longer than 5 years or even the 10 years which would be called for in terms of revising plans under the National Forest Management Act regulations.

Mr. SEIBERLING. If I may just comment, then. What you are saying, in effect, is that you do not agree with the National Forest Management Act in that particular respect, because it is the National Forest Management Act that says that there shall be a planning cycle every 10 to 15 years, and that the wilderness option is one of many options to be considered in each new planning effort.

So what you are saying, in effect, is you want to amend the National Forest Management Act to that extent, that you don't want them to consider the wilderness option ever again in the future.

Mr. CROWELL. That is one way of viewing it, because each of the wilderness designations that occurs by congressional enactment is in itself, as you have just pointed out, an amendment to the ultimate use——

Mr. SEIBERLING. But that is an act of Congress. What we are trying to preserve is the flexibility and professional prerogatives of the Forest Service to manage the rest of it as they see fit in accordance with the plans developed pursuant to section 6 of the National Forest Management Act.

Mr. CROWELL. We are suggesting we also need an act of Congress to assure the land base for multiple use, which has been continually eroded by wilderness set-aside in the last 15 years.

Mr. SEIBERLING. That is a decision of the administration. They don't have to do it. That was our point. They can, but they don't have to.

And what you are saying is you want them to be prohibited from considering wilderness in the future, is that correct?

Mr. CROWELL. That's correct.

Mr. SEIBERLING. Thank you.

Mr. Clausen.

Mr. CLAUSEN. Mr. Crowell, the philosophy of resource management has been the subject of intense discussion, and you are seeing a manifestation of that intensive discussion that will carry on, I am sure, all the time you are serving as the Assistant Secretary.

I am sure that this will intensify as we go through the RARE II process, and the California wilderness hearings that will come up this next week.

As I am sure you know, coming from the State of Oregon, the land areas, the resource base, and resource management problems in Oregon are similar to those in northern California.

I happen to represent a district that contains many basic types of land management areas.

I refer, of course, to the parks, which are preservation-conservation. We also have the wilderness areas, which are also preservation-conservation. And then we have the remaining Forest Service lands and the BLM lands.

Added to that, as a part of the multiple-use concept, we have a conservation area, the King Range National Conservation Area, which was the first of its type in the Nation—under the Bureau of Land Management.

And with that, I would like to have a little bit more in the way of an expression of your philosophy, as to how the preservation-conservation concept and the multiple-use conservation concept can, in fact, be coordinated in such a way that it maximizes the benefits for people.

I think that my own district is literally a microcosm of where we have land-use commitments unclassified for those two schools of conservation thought. I wonder if you could give us a little bit of your broad philosophy as it relates to how these lands can be managed in concert one with the other.

Mr. CROWELL. I would be pleased to do that, Congressman Clausen.

I think that one must start in evaluating any kind of land base to which one wants to assign multiple uses, including wilderness designation, with an evaluation of the resources which are in place on those lands.

One must also try to make an assessment of the potential uses or needs for those resources, both by the local, regional, and even the national economy.

Once one has made an assessment, both of the needs and of the inventories of those resources, one is then in a position to try to make the professional judgments necessary to balance the competing interests or potential uses for the lands in question.

And I am confident that both the multiple-use statute and the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, give the statutory direction for accomplishing precisely that purpose.

Mr. CLAUSEN. Isn't that what the RARE II process was really all about? They came up with the Roadless Area Review and Evaluation, first RARE I, and then RARE II.

I have heard our distinguished chairman, Mr. Seiberling, on numerous occasions, allude to the fact that his real objective is to permit the RARE II process to work.

Mr. Peterson, you and I have engaged in dialogs with Mr. Seiberling on this. And so, isn't that what the RARE II process is all about?

We gave legislative direction to the administration, to advance the RARE II process all the way through to a point of conclusion. And as I understand it, at this point, because of the fact that you have designated certain areas for further study, it suggests to me that the full RARE II process is not as yet completed to a point of finality.

Now, with that in mind, what do you envision the RARE II process brought to a finality? Where will we end up?

Mr. CROWELL. The RARE process, both RARE I and RARE II, in effect, accelerated the portion of the overall planning process with respect to proposed wilderness areas. It escalated the selections of wilderness that would normally have been carried out through the planning process to being done ahead of the planning process.

That resulted, or the expectation was that that would result in a determination ultimately of the lands which would be set aside from the national forests for wilderness purposes with the remaining lands, not recommended, would be set aside for other multiple use purposes.

There is, of course, a certain dichotomy between wilderness set-aside, which is basically a single-purpose use, on which other of the multiple uses cannot take place, from the remaining lands, or multiple-use lands, which obviously, by being utilized for timber production, forage, management of fish and wildlife, do not meet the criteria of wilderness.

So it is necessary to make the two categories separate and distinct. And the RARE process accelerated the process of making those distinctions, so that there would be a land base attributable to both of those separate uses—wilderness on the one hand, and multiple use and all of its attendant other purposes on the other hand.

If the RARE process had never taken place, this same kind of evaluation would have occurred in the planning process mandated by National Forest Management Act.

Mr. CLAUSEN. Going back to a point that the chairman made earlier, you said that it is the administration's position that the concepts embodied in S. 842 and H.R. 3358 are that "* * * no additions to the Wilderness System should be made without providing at the same time equally assured status to unroaded lands designated for multiple uses other than wilderness in RARE II."

Does that mean you are trying to provide a balance in the consideration of the multiple-use values, as well as the wilderness values in an overall land management or resource management program?

Mr. CROWELL. It certainly does. As I pointed out in my response to your last question, the nature of a wilderness set-aside means that that land cannot be used for other productive purposes. And consequently, the necessity of assuring status for both categories is a desirable conclusion.

We had thought that the RARE process was going to eventuate in that kind of a conclusion. That was the purpose of—when they started—both RARE I and RARE II.

It seems to have resulted quite clearly in some recommendations for lands which, for the most part, are wilderness set-asides.

That would be their highest and best use. But once that process has been completed, it should be regarded as complete, and the lands which have not been recommended for wilderness and which are needed for other multiple-use outturns to take care of the needs of a growing population should be devoted to those uses.

There cannot be a continual erosion of the multiple-use base for increasing wilderness set-asides without impairing the possibility of the Forest Service being able to supply the needed commodities and other outturns from the multiple-use lands.

Mr. CLAUSEN. Mr. Chairman, you have given me a note that my time is up. I am going to make my usual request, that all members be permitted to submit questions to the witness in writing, so that we then can ask the questions we have that we have not had the time to do.

Mr. SEIBERLING. We can also have several more rounds. But we will ask you, Mr. Secretary, if you would be willing to answer additional written questions, with the replies to be included in the record within a reasonable time.

Mr. CROWELL. I would be pleased to do that, Mr. Chairman.

Mr. SEIBERLING. Thank you. Without objection, that will be done.

If the gentleman has any followup questions—all right. The gentleman from Oregon, Mr. Weaver.

Mr. WEAVER. Thank you, Mr. Chairman.

Mr. Secretary, in trying to make the determination between the needs for wilderness that the people of America have and the needs for timber production, as two—can we have order, Mr. Chairman?

Mr. Chairman, I make a point of order that the committee come to order.

Mr. SEIBERLING. Go ahead.

Mr. WEAVER. Mr. Secretary, I will begin again.

In order to make a determination between such uses of the national forest as wilderness and timber production, do you believe that we should try to find a balance, some form of balance between these apparently conflicting uses, such as wilderness and timber production?

Mr. CROWELL. I do.

Mr. WEAVER. I agree with you.

Presently, in Oregon, my home State, there is roughly 1 percent of the timber in wilderness. Do you think that is too much in balance—1 percent and 99 percent?

Mr. CROWELL. You are talking about 1 percent of all the timber in the State?

Mr. WEAVER. All the timber in Oregon, yes, sir.

Mr. CROWELL. It could be too much.

Mr. WEAVER. One percent could be too much.

Mr. CROWELL. Because the State of Oregon has very high-value timber and is one of the principal wood baskets of the Nation. So I don't know, Mr. Weaver, that it is appropriate to look at just a percentage figure to make a determination as to what is an appropriate balance or not.

Mr. WEAVER. I don't know how else to do it, when we have a commodity in conflict, other than to take the percentages.

Would 2 percent of the timber in Oregon in wilderness be too much?

Mr. CROWELL. Well, as I say, it is a question of balancing values.

Mr. WEAVER. That is what we are trying to do, Mr. Secretary.

Mr. CROWELL. Of the timber that would be set aside in wilderness versus its potential uses for all of the uses that timber is put to.

Mr. WEAVER. That is exactly why I am trying to determine how much timber can we allow to be set aside for the wilderness uses that the people demand.

And do you think that setting aside 2 percent of our timber is too much?

Mr. CROWELL. I think it could be. I don't know that you can apply a percentage figure appropriately.

Mr. **Weaver**. How else would you do it, Mr. Secretary, in striving for balance? I am not talking about anything else but balance. And you agreed we should try for that.

Mr. **Crowell**. Yes. Quite clearly, the process that I described in response to one of the earlier questions is that in determining what lands would be best set aside for wilderness, and what are best used for other purposes, ought to be determined by a process which would weigh the comparative values and the comparative needs.

Mr. **Weaver**. But that is taking each specific land area and evaluating the land area. You agree that balance—that is a different subject, balance.

You understand. Balance is what I am talking about.

Mr. **Crowell**. I don't now mean to imply that balance necessarily could be arrived at alone by taking a percentage of land in a particular category, and saying that that was by itself going to achieve balance or imbalance.

Mr. **Weaver**. I don't know how else to get balance. But I will go on to the questions I really was more interested in asking.

Many witnesses have, in my years on this committee, and my years on the Forest Subcommittee, testified very strongly that large industrial private timberlands have been managed far better than the national forest lands. I have had witness after witness say we should get better management in the national forest, that private industrial forest lands have been managed far better.

Do you concur in this? Do you disagree with this? If so, why?

Mr. **Crowell**. I think the comment requires some qualification. Obviously, there is a difference in the way national forest lands would be managed and the way that industrial private forest lands would be managed.

Private forest lands, particularly in industrial ownership, are going to be managed to develop a maximum outturn of timber production. National forest lands are not necessarily to be devoted to maximum timber production.

That by itself would call for a different level of intensity in managing the lands.

The industrial ownerships, of course, do not have the statutory obligation to provide for other multiple uses. Consequently, they do not have to take into account the changes in management practices which might be called for by multiple-use management.

Mr. **Weaver**. In other words, I interpret your roundabout answer to mean that the national forests are being managed properly, given their requirements on what they are about?

Mr. **Crowell**. I think the national forests can be managed to produce more timber. They could be managed to produce more recreation, to produce more game and fish, and can be managed for producing more recreation of all sorts.

Much of it has to do with the amount of investments which society is willing to make in the national forests, to achieve those kinds of outturns, and also much of it, of course, depends upon society's needs for those particular sort of commodities and outturns.

Mr. **Weaver**. I wonder if you would not mind answering my question, though? Do you concur or not concur in what many witnesses have said, and that is the national forests are not managed as well as the private forests, given the requirements and the criteria you mentioned?

If it hadn't been for many witnesses having made this statement, I would not ask the question. But they have.

They have been owners and managers of many of the largest timber companies in the country. And I wondered if you concurred in that?

Mr. **Crowell.** The national forests have not been managed for timber production to the same level that the industrial forest lands in private ownership have been managed. That is quite clear.

There would be the capability for managing the national forests that way if the Congress decided that is the way it ought to be done.

Mr. **Weaver.** For timber production, have the national forests been managed as well as the private tracts?

Mr. **Crowell.** They have not, because so many of the acres—virtually all acres producing timber are also producing other multiple-use outturns.

Mr. **Weaver.** You believe, therefore, the generality that the national forests have not been managed as well as the private forests is not correct.

Mr. **Crowell.** I believe it has to be qualified.

Mr. **Weaver.** Thank you, Mr. Chairman.

Mr. **Seiberling.** Thank you. Mr. Craig.

Mr. **Craig.** Thank you very much, Mr. Chairman.

It is a coincidence, Mr. Secretary, that today, while we visit here, and discuss forest management, my staff in Idaho is with the Forest Service on the ground, taking at least an early overview of some of the concerns we have up there with a large percentage, if not nearly all, of the timber sales on that forest this year in deficit and the potential problems that can occur down the road as a result of that.

It has been my observation that part of the reason for a deficit is because of some rather extensive roadbuilding requirements that have been put upon the buyers of those timber sales by the Forest Service to meet certain standards and qualifications, certain qualities of road construction.

Some say we are overbuilding. Some say we are not building enough.

Those that are more concerned with the environment, and less concerned with timber production, are in large part beginning to agree with those who are the purchasers of public timber, that we are overbuilding.

Can you discuss briefly with us this concern, that is prevalent throughout the West now, as it relates to deficit sales and road construction, and my concern that we adhere to the law when the law refers to a road laying lightly on the land for the purposes of getting timber out of the public land, and then we get on with the business following those timber sales and reforestation, and concern for wildlife management that we might well be overbuilding.

Mr. **Crowell.** Congressman Craig, there are a number of reasons for deficit sales. You have put your finger on one of the principal ones, which is road construction costs.

Another very basic reason for deficit sale situation can be low timber values to start with. It can create a dilemma—when one needs to get into a piece of forestland which badly needs management because, for instance, there may have been an insect or a fire kill of the timber, the timber is low value, and yet, if that land is ever to be put into a productive capacity for future generations, some entry has got to be made.

Sometimes even the most modest road construction job will still result in a deficit situation, a deficit situation meaning there is a less than normal profit opportunity to the purchaser who buys that sale.

There are other cases, and these are the ones which are of principal concern to you and to me, where there has been too high a road construction standard required.

The Forest Service has been paying particular attention to that, in the last few months, and by a memorandum from the Chief to the regional foresters, dated March 26 of this year, the Chief directed the regional foresters to pay particular attention to the possibilities of reducing road costs and of thereby reducing occasions for deficit sales.

I have reason to believe that the regional foresters have responded very positively to that. They have directed the forest supervisors in turn to examine ways with their engineering staffs in which road costs can be reduced where that is possible.

I can give you no assurances that that, by itself, is going to eliminate the deficit sale problem, because of the circumstances which I gave earlier.

But we are hopeful that deficit sale situations can be reduced and that the costs of roadbuilding can be lowered so that there can be both a normal profit opportunity to timber purchasers and a larger return to the Treasury of the United States.

Mr. CRAIG. Thank you very much for that answer. I am pleased to see that you are moving ahead on that concern, because I think it is a major one in the West at this time.

And it has more basis for consideration, as you just said, than deficit, because it can and should become an integral part of a multiple-use management situation that results in appreciation for wildlife and limited-roaded areas, and that type of issue.

My second and last question, Mr. Chairman, has to do with the National Forest Management Act. And some concerns I have based on regulations that now exist within the Forest Service.

I have watched the Forest Service ever since I can remember. My family has been involved with the Forest Service primarily as lessees for cattle-grazing purposes. And so I can remember the Forest Service for a good number of years, having worked directly with forest rangers and range management people.

One thing that is obvious to me, when I go by a district forest office, is the tremendous growth in that office and staff and personnel, and probably the most obvious growth is the parking lot.

It has become an absolute sea of green. And they are not trees, they are vehicles. And I say in light of primarily section 6 of that Management Act, where regulation now has you in a 10-year planning cycle, but law says at least every 15 years.

And I know that trees don't grow on 10-year cycles, and that land doesn't change if it is under a constant management plan on a 10-year cycle.

And I am wondering if you and the Department and the Service are at this time or will you become engaged in any overall analysis of the economics of your own business, and that is management, and the number of people involved, based on limited resources, and I would much rather see them applied to the land than I would applied to vehicles—and the 10-year versus 15-year optimum in planning cycle.

Mr. CROWELL. I have been critical myself, Congressman Craig, of the growth in numbers of personnel which is often typified by the increase in numbers of vehicles around ranger stations, but one has to be objective about this, and one has to realize——

Mr. CRAIG. I try to be, Mr. Secretary.

Mr. CROWELL. Yes, I know you do, and I am trying to be objective about it in my new position, too. One does have to recognize that the increased interest in the management of the national forests has resulted in a number of statutes in the last 15 years which have imposed a very significant additional burden on the Forest Service.

It is the kind of thing which does not show up—at least immediately. The costs of complying with the National Environmental Policy Act and the costs of implementing the requirements of the National Forest Management Act are very, very large, and most of those expenses, of course, deal with people, and in order to get people out on the ground you need vehicles. Now, that doesn't mean that there isn't some potential for saving in both of those areas.

We also have had some youth conservation programs which have called for additional people and additional movement of people and the requirements for vehicles, so that there is a reason for the increase in personnel in the Forest Service. There undoubtedly are some areas in which we can be more efficient. But in making those kinds of charges, people have to be brought up to remember that there have been large additional responsibilities put on the Forest Service in recent years.

With respect to the length of planning cycle, I think the 10-year shortening which was performed by the regulations is appropriate, in view of the fact that the National Forest Management Act imposed a very complicated planning process on the Forest Service for the first time. I think it is realistic to recognize that those plans ought to be reviewed, perhaps with more frequency than was called for by the National Forest Management Act, at least in the first few decades of learning how to develop, apply, and refine those plans.

It would undoubtedly be appropriate as experience is eventually gained in doing the planning process and in evaluating the plans themselves and the outturns from them, to lengthen the period between replanning, and that could be done when it appears appropriate, by changing the National Forest Management Act regulations.

The third point I would like to make in response to your question is that you probably are aware that the NFMA planning regulations have been targeted for close review by the administration. Quite frankly, I do not anticipate very substantial changes resulting to those regulations as a result of that review, simply because the regulations were designed in the first place to be as responsive as possible to a very complicated set of requirements imposed by section 6 of the National Forest Management Act. So, although there could be some changes, some streamlining, some improvement in the comprehensibility of those regulations, I don't expect that there are going to be any really substantive changes made to them as a result of this review process.

Mr. CRAIG. Thank you very much.

Mr. SEIBERLING. Thank you. Mr. Kildee.

Mr. KILDEE. Mr. Chairman, I would be happy to yield my slot to the chairman of the full committee as long as you come back to me after the next minority member.

Mr. SEIBERLING. I will be glad to do that in deference to our distinguished Member.

The CHAIRMAN. I thank my friend from Michigan and welcome you to the committee, Mr. Secretary. I am sure we will see a lot of each other in the next few months or years. I want to start with one matter that has been of some concern and controversy. In the previous Congresses we worked out informally with the executive branch, particularly with the Forest Service, with the Interior people, kind of an informal mechanism in which, while we are considering wilderness proposals, we ask the Department, in your case the Forest Service, to delay scheduled timber sales for periods of time up to 6 months, I think, is the time period we have used.

Would it be your intention to honor similar requests in cases where hearings have been scheduled on a particular bill or area, or in cases where the House and Senate had begun to mark up and actually write the legislation, or in situations where one House has passed legislation, waiting for the other branch of the legislative department to act?

Mr. CROWELL. Mr. Chairman, I would respond to that first by saying that it is my understanding that as a consequence of the further planning process which affects a number or approximately 11 million acres that came out of RARE II or that were subjected to the RARE II process, it has been the agreement by the prior administration and the Forest Service that notice would be given to the appropriate committees of the House and Senate with respect to any area that had come out of that further planning process, either recommended for wilderness or recommended for nonwilderness.

The notice would be given at the time that the draft decision was published, and 90 days would elapse before that would become final. During that 90-day period it is my understanding that the appropriate committees might then want to take some action with respect to the recommendation, particularly if it were for nonwilderness. It would be my expectation that we would certainly honor that 90-day period. We would do nothing to detract from the wilderness character of the particular piece of land that was subject to the nonwilderness recommendation.

Now, I would have to say that we would have to look on a case-by-case basis at those situations where land might be subject to pending legislation. It would provide the potential at least for tying up very large portions of the multiple-use resource base, simply by proposing that a lot of it be put into wilderness, even though there was no realistic possibility that such legislation would pass. So, I can't give you the assurance that because we have a piece of legislation proposing to enact wilderness that in every case we would indefinitely defer multiple-use activities on the land in question.

We would try to be as cooperative as possible, however, in giving the Congress the needed time to work on wilderness legislation.

Mr. SEIBERLING. Would the chairman yield?

The CHAIRMAN. I would be happy to yield to the chairman.

Mr. SEIBERLING. In March, Chairman Udall wrote the Secretary of Agriculture and asked to defer two sales that were pending in the Norse Peak Area of the Cougar Lakes Wilderness proposal. The Washington delegation is actively working to come up with a consensus bill in this area. The Forest Service response was, "We will not hold up the sales." Have you any comment on that, Mr. Secretary?

Mr. CROWELL. This was in an area which had been as a result of the RARE II process not recommended for wilderness. That process had been completed and the decision announced, as I recall, approximately June 1979, and so a long period of time had elapsed. It is the situation I was referring to when I responded somewhat cautiously to Chairman Udall's question, that we would have to look at each of those requests on a case-by-case basis, because we have responsibilities to meet the needs of other users of the national forest system.

Mr. SEIBERLING. So, in other words, you may or may not honor such requests?

Mr. CROWELL. That is right.

Mr. SEIBERLING. Thank you.

The CHAIRMAN. Let me register my apprehension. The whole system has worked out pretty well, and I hope that we will be able to get along with the executive branch on these issues. I don't want confrontation and I am going to try to avoid it. We would like to counsel and talk with you, and I certainly wouldn't expect you to park your conscience at the door and agree in advance to do anything the Congress suggested, however outrageous. But I would hope the procedure we have had in the past, which has worked fairly well, can continue. It isn't like the 3-year delay we got embroiled in here a couple of weeks ago with the Interior Department.

We are talking about periods of time that are generally 90 days but could be up to something like 6 months in cases where the House of Representatives actually passed a bill that is pending before the subcommittee and the likelihood is that action one way or the other will be taken over there. I would be apprehensive to feel that in that kind of situation we might not get a delay out of you.

Mr. CROWELL. I didn't mean to imply, Mr. Chairman, that where a bill had passed one house that we would be inclined to ignore the pending legislation.

The CHAIRMAN. I am glad to hear that, but I raked over a bunch of possibilities—bills have been introduced but no action on one side, not even a bill has been introduced on the other side. You can go to that extreme, but most of these cases involve some direct interest by the congressional delegation from the State involved. There are situations where there have been negotiations and something is to be worked out. I am not just talking about throwing in a bill to tie your hands down there. Most of these situations are things where something constructive is being done. Some law may be passed by the Congress in a reasonably short timeframe.

Mr. CROWELL. As I say, we would want to evaluate those on a case-by-case basis looking at the background of each particular area.

The CHAIRMAN. This is all a nice generality and I share all these generalities with you. I think everything ought to be fair and reasonable on a case-by-case basis, but I hope we can have some cooperation in this area particularly.

Let me turn to one other matter. Have you taken a position, has the Department studied yet the so-called Hayakawa bill which relates to getting final determinations if Congress has not acted within a certain timeframe?

Mr. CROWELL. Yes; we have taken a position on that, Mr. Chairman, and that is covered in my prepared statement. It is found on pages 7 and 8. We favor enactment of the so-called Hayakawa bill, S. 842 and its counterpart H.R. 3358.

The CHAIRMAN. We will hear more on that, I am sure.

Mr. CROWELL. Yes, sir.

The CHAIRMAN. I think you made a major mistake but it probably won't be the only one in your Department.

That is all I have, Mr. Chairman.

Mr. SEIBERLING. Thank you. Mr. Hansen.

Mr. HANSEN. Thank you, Mr. Chairman.

As a new member of this committee, I sometimes have problems with semantic games that are played on definitions that are constantly being used. I am just assuming, if I may say so, from your prepared statement that the words "multiple use" is somewhat tied to the word "balance," and that the multiple use of ground for various purposes would be the definition of balance. Would that be correct or have you got a glossary of terms there that you can elaborate with?

Mr. CROWELL. The Multiple-Use Sustained Yield Act of 1960 is a relatively short act, Congressman Hansen, and in section 1 it says:

> It is the policy of the Congress that the National Forests are established and shall be administered for outdoor recreation, range, timber, watershed and wildlife and fish purposes.

Then down in section 2 it says: "The establishment and maintenance of areas of wilderness are consistent with the purposes and provisions of this Act."

In section 4, multiple use is defined as meaning:

> * * * the management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people, making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions. That some lands will be used for less than all of the resources and harmonious and coordinated management of the various resources, each with the other,

without impairment of the productivity of the land, with consideration being given to the relative values of the various resources.

Then the act closes with a definition of sustained yield. Yes; I think that a very shorthand definition or summary of the Multiple Use Act is that it calls for balance among competing uses for the resources.

Mr. **Hansen**. Thank you. Some of us are of the opinion that the reliance on the broad language which you have read has been extreme in its application on one side or the other, and I would hope that it is very fair on the application both to the environmentalists' interests and also the interests of the developers.

Let me just ask one thing, if I can, regarding wilderness just to get these terms straight in my mind. We have in the State of Utah an area we call the High Uinta primitive area. How does that qualify as a primitive area under what you are doing here? This is designated and called the primitive area. I am under the impression a primitive area has to be designated by Congress.

Mr. **Crowell**. You are right about that. When the Forest Service originally undertook to set up areas under the wilderness concept, they started out with what they called wilderness areas, primitive areas, and wild areas, as I recall it. That practice stayed in being for almost 35 years.

With the enactment of the 1964 Wilderness Act, lands from each of those three categories were put into formally designated wilderness status under law for the first time. Some of the areas that were not put into wilderness, into the new statutory wilderness base, and were formerly designated as primitive areas requiring further study. If I am not mistaken, there have been some subsequent acts which have done the same thing. That is where this term "primitive area" has come from and where it has continued to be applied.

Eventually the studies of those primitive areas will result in some kind of a recommendation from the Forest Service to the Congress that they either be put back in a multiple-use base or that they go to wilderness.

Mr. **Hansen**. Will the definition of what can and cannot be done in a primitive area then be in the same definition of what can and cannot be done in a wilderness area?

Mr. **Crowell**. Excuse me, I think Chief Peterson would like to supplement my response to your last question, if he might just for a minute.

Mr. **Peterson**. We have already completed a study of the High Uintas required under the Wilderness Act. It required studies of those primitive areas and recommendations to Congress. Those recommendations have been made and are now pending before Congress. Essentially, most of that area would become wilderness under the proposal that is before Congress.

Mr. **Hansen**. What will change under the definition of the primitive area to a wilderness area?

Mr. **Peterson**. The primitive areas were not all that consistent in what they had in different parts of the country. In some places there were actually roads in primitive areas that were open part of the time. There were locked gates and so on. In some primitive areas we may have had some fairly substantial recreation development, so the primitive areas in general were not as pure as they are in a wilderness designation.

Mr. HANSEN. Does the Forest Service have the right to expand a wilderness area?

Mr. PETERSON. No, sir, the 1964 act reserved to Congress the designation of future wilderness areas and also told us to review existing primitive areas within a 10-year period and make recommendations to Congress, and we did that. We completed that in 1974.

Mr. HANSEN. Did the Forest Service have the right to expand a primitive area as it was designated?

Mr. PETERSON. Not after 1964.

Mr. HANSEN. But it did prior to that?

Mr. PETERSON. Yes, sir.

Mr. HANSEN. There is something in here about use of scenic rivers. At one time the National Park Service and others got into the problem regarding motors on rivers such as the Grand Canyon, and the Colorado River, and areas such as that. I don't know just where that stands right now. I would be curious to know what the attitude or the feeling is as far as your group goes regarding the use of motors on areas such as the Colorado River, which is a very important thing to the State of Utah. It is one of our largest industries, and I have noticed one of the questions here that I was given by staff to read I disagree with completely, but I will read it anyway.

It says many of our rivers are so popular or are getting such heavy recreation use that the use pressure is damaging the resource and/or destroying the resource due to overcrowding. I disagree with that. Are you doing something or do you plan to do something to institute mechanisms to control overuse pressures?

I would rather phrase the question: What are you doing to make it multiuse so that private and commercial people can use that resource and make it something good for the people who can have that opportunity to run a river?

Mr. PETERSON. In the first place, we are not involved directly on the Colorado River. That is National Park Service. We do have a number, in fact, 11 wild and scenic rivers in existence on the national forests. One of the more popular ones, of course, is the middle fork of the Salmon River. The Snake River, which goes through Hells Canyon, is another one. In some places such as the Snake River, Hells Canyon—and I was there last summer—you get a situation where all kinds of people come down the river on rafts, large numbers of them.

Rafts are not maneuverable at all. In the Hell's Canyon case, we have boats coming upstream powered by jet engines needed to navigate the rapids. There are some real problems in how many boats going upstream with power and rafts coming downstream that you can have in some of those gorges.

We have just filed a proposed management plan for Hells Canyon in which we are trying to deal with that question by leaving most of the river open to both, but during a certain period of time closing a section of the river to powerboats.

Let me emphasize that our basic policy is to try to provide for both, but when you get into situations where you have a limited river and a limited capacity, where you simply get into a conflict of usage you try to deal with it. We first try to space them out in time, deal with them in a permit system or by other means in an effort to get optimum, safe use of the river.

About 2 or 3 years ago we had a national symposium on the management of rivers to try to deal with how to manage a linear river. If you can space people out you can get a lot of use. But you can get some very, very serious problems if too many people try to do too many different things on the same piece of river. We had raft people lose legs by propeller-driven boats in those circumstances. But we have been able to work those conflicts out in most cases. So we attempt to provide both for motorized use and for other use. We are not in the business of closing long stretches to motorboats.

I might add one thing further. We do have in the boundary water canoe area in Minnesota, by acts of Congress, some lakes and streams that are closed to motors.

Mr. HANSEN. Thank you. I believe my time is up, Mr. Chairman.

Mr. SEIBERLING. Thank you. Mr. Kildee.

Mr. KILDEE. I thank you, Mr. Chairman.

Mr. Crowell, in 1979 the Secretary of Agriculture established the Office of Environmental Quality to coordinate, initiate, and monitor programs of the Department on Environmental Quality and Natural Resource Management. There have been rumors circulating that you plan either to abolish the office or severely curtail its responsibilities. Could you tell this committee where that office fits into your plans for the Department's environmental protection programs?

Mr. CROWELL. The rumor that you are reporting is substantially correct. We have taken a look at the Office of Environmental Quality, and have determined that it is not as efficient a way to manage the problems connected with many of the environmental laws, and so we are giving very serious consideration to changing the Office, perhaps to abolishing it. We would be sending the functions which have been centralized in the Office back to the various agencies in the Department. Two of the major agencies of the Department, of course, are under my supervision, the Forest Service and the Soil Conservation Service. Both of them have very substantial responsibilities in managing lands or in giving advice, in the case of the Soil Conservation Service, to landowners, and have to comply with the provisions of numerous statutes which have been enacted in the last dozen years to protect various concerns about environment.

It is our feeling that those concerns can be best addressed by the agency with direct responsibility for carrying out the mandates of those statutes, and that is the reason for the contemplated abolition of the Office of Environmental Quality which has been in effect, as you noted, for about 2 years.

Mr. KILDEE. You don't feel there is any value in having an office external to the agency to give some guidance on environmental matters?

Mr. CROWELL. It is a question of balancing interests here, and we tend to feel that the process comes down on the side of more decentralized rather than more centralized management of these particular concerns.

Mr. **Kildee**. My own experience has been that sometimes these environmental matters are overlooked by an agency unless there is some outside check. I think that is probably the reason why the previous Secretary of Agriculture established that Office. Human nature being what it is, very often unless there is someone external to that agency, particularly on delicate matters of environment, there can be a danger of overlooking the environmental impact.

Mr. **Crowell**. You could be right, although I don't think that is a likelihood in this situation, because there certainly is a very high awareness among all the agencies of the Department of Agriculture about environmental concerns and about the statutes which direct attention to those concerns.

Mr. **Kildee**. I hope you are right and I am sure this committee will be monitoring that situation.

Mr. **Crowell**. If we aren't right we will reconsider the decision.

Mr. **Kildee**. Thank you very much.

Mr. Crowell, in this month's issue of the Journal of Forestry you say you are "particularly concerned about locking up a lot of areas for mineral, oil and gas discovery development. We may be doing ourselves a disservice as a nation."

With that in mind, these are some facts. In the lower 48 States, approximately 105 million acres, or roughly 40 percent of the onshore lands which the USGS has labeled prospectively valuable for oil and gas, is presently under mineral or gas lease, and approximately 13.5 million acres of national forest land in the Western States were under lease at the end of 1980. That is about double the amount that was under lease in 1976, and yet the Department of Interior estimates that 75 percent of existing leases will expire without the submittal of a plan for exploratory drilling.

The General Accounting Office confirms this estimate and adds that "many lease applicants seek leases for speculation only." In their May 13 letter to Chairman Seiberling, the Forest Service estimates that in the past 90 percent of the leases on national forestlands have expired without exploratory drilling. Is it not possible, then, that the real lockup of the public's oil and gas resources is due to the fact that speculators are buying leases and not doing any exploratory drilling? Why should we then lease in wilderness areas when what is already under lease is not being legitimately developed? Will you respond to that?

Mr. **Crowell**. I will be pleased to. Minerals, and oil, and gas, of course, and geothermal development are where you find them, and the major task, of course, in meeting the needs of the country in connection with minerals and oil and gas is to find the resource. In other words, to do that, exploration has to take place, and on Federal lands exploration has to take place under lease or under the mining laws.

The fact that many leases may expire without having any actual drilling take place doesn't necessarily mean that there hasn't been some sort of assessment made by the leaseholder as to the potential mineral recovery, or oil, and gas recovery on the lands which are subject to the lease. It also can mean that once a lease expires, that subsequently some other lessor may be interested in acquiring a lease under terms of the mineral leasing statutes, and paying a royalty or a fee to the United States, and, if he is successful in carrying out exploration or discovery, a subsequent royalty to the United States.

Mr. SEIBERLING. Would the gentleman yield?

Mr. CROWELL. I think it is necessary that we encourage the exploration for these kinds of resources and wealth so that the Nation will have it to call upon and to utilize as the Nation's needs are manifest.

Mr. KILDEE. Human nature being what it is, people will tend to lock up land by leasing it with no intent of exploring. I imagine there might be someone who might want to lease Capitol Hill with the possibility that there might be some oil or gas found there. There is a tendency to get a lease in case a neighbor next door may find something and you are protected.

I think you recognize that to be a reality. We could have leases almost for all the land that we have, if we don't recognize that there is that reality, if not frailty, in human nature to try to speculate in case something happens. Now, how do you try to control something like that? Do you just keep opening up more land when 90 percent of the leases are not being explored at the present time?

Mr. CROWELL. These leases, of course, have terms to them, and they expire eventually and then the land becomes available for being leased again, and I guess the answer to your concern about leases being acquired for speculation on the possibility that somebody on a neighboring tract may effect a valuable discovery would be handled best by making the leases fairly short term.

Mr. KILDEE. I would hope you would at least address yourself to this. I think that while both you and I believe in the free enterprise system, we recognize the free enterprise system is based upon human nature and human nature isn't as perfect. There can be some imperfections. From the time of Adam there have been some imperfections and we have to be aware of those imperfections and realize that there can be some speculation that might not be compatible with good public policy, I would just caution you to be extremely careful in approaching that lease policy.

Mr. CROWELL. I accept that caution in the spirit that it is offered. I think your words are good advice, and we should be concerned about the issues you have raised.

Mr. KILDEE. Thank you very much, Mr. Crowell.

Mr. SEIBERLING. Thank you. I believe Mr. Hendon is next.

Mr. HENDON. Thank you, Mr. Chairman.

Mr. Crowell, I think you are doing a super job and I think Secretary Block is doing a super job. I appreciate your coming. The chairman mentioned earlier how last year they got together here and made some deal about release language. I think the truly significant event that happened last year was when the American people got together on November 4 and totally rejected many of the policies that you found in place when you arrived, sir, in your new job, and I commend you for your efforts to respond to the very clear message of the American people last November.

Mr. Chairman, this has been a very helpful hearing for me, and I say that sincerely, because I think I have finally come to the point where I have learned the very basic difference between perhaps the

Secretary and my approach and maybe your approach to this issue of wilderness and multiple use, and correct me if I am wrong, but this is my analysis.

Mr. Secretary, perhaps you—and I know I do—believe in multiple use of the lands as you defined them a moment ago. Mr. Chairman, as I understood you earlier, you said that wilderness is multiple use of lands; is that correct?

Mr. SEIBERLING. No; wilderness is defined by law as one of the multiple uses, and the Secretary has agreed that that is correct, I believe.

Mr. HENDON. Then maybe I don't agree with——

Mr. SEIBERLING. That is what the law says.

Mr. HENDON. I see. Although down South when we talk about multiple use, we are talking about recreation, we are talking about perhaps selective logging, we are talking about mining. We are not talking about wilderness as a multiple use. You can't do the things on wilderness that you can on multiple-use lands, and perhaps that is the problem we have got.

Mr. SEIBERLING. If the gentleman would yield further.

Mr. HENDON. Surely.

Mr. SEIBERLING. That is the common definition, but what I was referring to was the definition that is spelled out in the National Forest Management Act, which includes wilderness and protection of wilderness values as one of the multiple uses, but you are absolutely correct. The only way you can protect wilderness and have that as a multiple use is to forego some other uses on it, not all uses. For example, grazing is permitted in wilderness areas, and certain other activities.

Mr. HENDON. I think when we have this problem, it is a problem of semantics and a whole lot more. There has been a lot of interest shown this morning in my bill H.R. 3358, Mr. Young and Mr. Huckaby's bill, Senator Hayakawa's bill. Everybody has been talking about it. I would just hope, Mr. Chairman, that sometime soon we could get down to work on that legislation.

Mr. SEIBERLING. If the gentleman will yield.

Mr. HENDON. I certainly will.

Mr. SEIBERLING. As we proceed with wilderness bills, and I trust we will this year, we have addressed the question of release on a State-by-State or region-by-region basis, and that is how we happen to have the compromise release language in some of the bills we have already adopted in this committee in the last Congress. It is our intention to use the same release language in legislation in this Congress. The quarrel I have with the Hayakawa bill is that it attempts to address the question of release on a nationwide basis, but it does nothing about resolving the question of wilderness on a nationwide basis, and I feel that that is a totally one-sided approach.

In addition, we never tried to get an omnibus nationwide wilderness bill because of problems of quality control. We concluded that the only way you could reasonably do it was to approach it on a small enough geographic basis to handle the particular problems in a given area or State. A nationwide bill with hundreds or thousands of wilderness and nonwilderness designations is simply too large a package to allow for any indepth review by the Congress, and we owe it to the public to do more than merely rubberstamp the Forest Service proposals.

I would hope that we could dispose of the three west coast States in this Congress, California, Oregon, and Washington, and a lot of others besides, and perhaps wind up the whole RARE II issue in this Congress. I would think that would be a very desirable objective.

Mr. **Hendon**. I would certainly respect your judgment as chairman, sir, but it seems to me everybody that has spoken today has mentioned one of those bills, either Mr. Young's or Mr. Huckaby's, or the other ones. It would seem the great interest that is there, coupled with support of the administration, that perhaps we might not be wasting our time to look at this new approach.

Mr. **Seiberling**. I don't believe that that bill could pass on the floor of the House. The Hayakawa bill would be fought tooth and nail by innumerable organizations, and I frankly don't think it could get through this committee. I think we can handle the issue on a statewide or regional basis as each one of these bills come up, but we will just have to wait and see. Mr. Peterson.

Mr. **Peterson**. Since the subject has been raised of the so-called compromise bill now twice, you are aware of my role in that, maybe other members of the committee are not. As you recall, prior to that meeting a position had been taken very high in the administration, way above the Department of Agriculture, and I believe you were so informed, that the administration would not favor release language. You requested that Mr. Fowler and I come up and provide technical assistance to the subcommittee.

At that time we were dealing, as you recall, with California, and we were faced there with a situation, with an injunction on 47 areas, and so the question was could we work out something that would get us through that situation in California. Given the fact that there was great disagreement, as you point out, with some wanting no release language and some wanting release language to the year 2035 or 2050, the compromise that was drafted appeared to be about the best that could be done at that time to solve the California question. We advised you of what the effect of that compromise language would be if applied in certain circumstances.

I think it is important both for Mr. Fowler and myself that we did not at any time state that this had administration support or didn't have, or otherwise tried to either say it was good or bad. We were trying to provide assistance which I think you were quite aware of.

Mr. **Seiberling**. We certainly relied on your technical expertise.

Mr. **Peterson**. Yes, sir.

Mr. **Seiberling**. And you felt you could live with it; am I correct?

Mr. **Peterson**. Yes; in California particularly, it appeared to us to be a better situation by far to get that release language than what we were faced with at that time, because the court decision was probably 2 to 4 years away, and this would provide some way to resolve that question.

Mr. **Seiberling**. Of course, the irony is that the Senate never did pass the California bill.

Mr. **Peterson**. That is correct.

Mr. **Seiberling**. And yet we incorporated that same language in three other major wilderness bills, Colorado, Alaska, and New Mexico, and the President signed the bills and they are now law.

Mr. **Peterson**. Yes.

Mr. **Seiberling**. So I gather that the Forest Service did not object to that language being in those laws?

Mr. **Peterson**. Again, in those States the question was protection for a period of 10 to 15 years versus tying up those States by additional lawsuits, which is an important kind of concern that we had. We were pleased to remove that problem for a period of time.

Mr. **Seiberling**. Thank you. Mr. Young.

Mr. **Young**. Mr. Chairman, I support release language. You know I have introduced a bill but we will carry that subject on a little later.

John, welcome onboard, Mr. Secretary. I commend you for your perseverance and your ability to come to grips with this job after a long period of time, and I think you are the man for the job.

I have three or four very short questions. Neighborhood Youth Corps activity which has taken place has been, I believe, cut out of the proposed budget or at least diminished to a great extent, or what has happened there?

Mr. **Crowell**. It is being phased down during the 1981 year, and will not be funded under the President's budget for 1982.

Mr. **Young**. I would like to pose a suggestion which you might want to look at. I don't know whether it takes legislation or not, of deriving the moneys for this program from the stumpage fees which you charge. I think it is a good program. It is rare that I support that type program. Most of those programs are very, very nonproductive. This one is a very productive program, and it is good for the young people, especially in my State, and if you could maybe come up with an idea or a suggestion—I have batted this around—fund the program directly with related moneys from the stumpage fee because I don't believe that is occurring right now. I think it comes out of the general fund or a direct line item.

Mr. **Crowell**. It does come out of the general funds of the Treasury. Like so many other programs that are socially motivated, this one did have its values, but it was also expensive.

Mr. **Young**. That is right. I know that. I am just saying it might be——

Mr. **Crowell**. A question of just having to balance what we can afford to do against all the things that we think we need to do.

Mr. **Young**. I understand. I would really be pleased, though, if you could come up with a suggestion because I think if the Congress comes up with a suggestion—it is liable to get out of hand, but I am sure even the industry itself would be more than willing to accept that percentage, a very small percentage of each tree cut down going into a neighborhood youth program type activity.

The question Mr. Craig raised was about roads. Are you by law required to bed the roads after they are finished?

Mr. **Crowell**. To do what with them?

Mr. **Young**. To bed them.

Mr. **Crowell**. No. As a matter of fact, it is entirely within the management discretion of the Forest Service whether the roads are left in place or are in effect put to bed or in some few instances spur roads can even be replanted.

Mr. YOUNG. In my State we spend a tremendous amount of money, and you are absolutely right, on roads that are first-class highways, and if you are going to do that, steel-girded bridges instead of log bridges like we used to use, and culverts every so many feet, and not small culverts but culverts which meet the Federal highway standards and all kinds of different requirements, but then when it is all done, they have gone in and bedded the road.

They pull all the culverts up, take all the bridges out, leave the bed itself there. And, Mr. Secretary, either don't build it to such a high standard but if you do build it to such a high standard leave it open so the public can use it. I have never figured out that rationale. It does add to the cost of our program.

Mr. CROWELL. You are absolutely right, it does, and the questions that I have been addressing and have asked the Forest Service to address very closely again, particularly in view of the high interest rates, the high cost of money which we are experiencing today, is this question about road costs. But up in Alaska, with which I have a little familiarity, there is, of course, the prime concern about protecting salmon streams in very many instances, and so there may have been some very large culverts or expensive bridges put in with the idea that they were trying to do their best to avoid any potential damage to salmon streams.

It is a question, again, of balancing the interests.

Mr. YOUNG. I support that. But after it is put in, leave them there. They have been pulling the culverts and bridges out after they are put in. All you have got is these bare roads. Supposedly I know how the bidding process goes so in a future sale they can go back and utilize the road. Leave the roads in so it doesn't do any damage which brings up the bidding process. You have been very fortunate because you haven't met this yet, but the stumpage rate is basically different in America than it is in Canada. Canada's stumpage rate is based on a fluctuating index of the value of the timber, and Canada is a direct competitor with ours in exporting of logs, et cetera, et cetera.

Does the Forest Service have the right to change the procedures for bidding on stumpage, or are you going to maintain the fixed figure concept?

Mr. CROWELL. There are some provisions in law, of course, dealing with timber sales. The Forest Service has to sell it at appraised value, and consequently there does have to be an appraisal of some sort made before the timber is sold, so that that provision of law is complied with.

The Forest Service does have considerable discretion about the form of the timber sale contract. You probably are aware, Congressman, that there is escalation and deescalation available under certain forms of timber sale contracts which are in use in much of the West. My recollection is they are not in use in Alaska, but I am not certain about that.

Mr. YOUNG. You don't have to answer me specifically now, John. I am just saying that right next door in Vancouver, British Columbia, which is a direct competitor of ours and a competitor in the whole Northwest area, they have a different stumpage fee complex, and I would like to see us address that. I think it would make our timber more competitive and give the operators a better break, and still give the general public a fair return on the revenue, and I may be wrong. I just know it has never been approached, to my knowledge, in my State. It may have been approached in other areas. The only industry we have up there is on forest lands, so it is something you might want to consider.

Mr. CROWELL. It is something I have to say, Congressman, that the Forest Service does evaluate constantly, because as you know, the market changes so radically with respect to wood use that it goes right back to the stumpage rate. The situation is quite different, of course, in British Columbia than it is in the United States. Perhaps we have a bit more concern about generating a return to the Treasury than does the British Columbia Forest Service, where the concern has been more about developing industry and getting employment assurances for the populace, particularly in interior British Columbia, which is a long way in many instances from wood markets, and the government in effect takes lower stumpage rates in order to assure some other public interests that they are concerned with. Perhaps we aren't evaluating those interests enough in the same way they do.

Mr. YOUNG. I am a strong supporter of the Forest Service, have been over the years, and I think the operation has been well run under the management and direction of this Congress because you have so many different fields you have to meet, so many requirements. That goes back to Weyerhaeuser and the United Can Co., and those things. They can produce more timber than the national forest does. They can because that is what their main goal is, but you have got other responsibilities.

One of the things that worries me, Mr. Secretary, is I guess your proposal has, and it is one I am not too happy with right now, and I hope there is a way around it, is the user fees by recreational use within the Forest Service lands. We opposed this in the Park Service last year and actually passed a law that limited the charge that the Park Service could place on American citizens. My understanding is you got it up to proposing an $8 fee now for utilization on Forest Service lands for camping, et cetera, et cetera.

I would suggest if there is any way of not doing that, it would be a much better proposal. I know you have budget constraints and need to raise money, but $8 even in today's inflationary dollar is still quite a bit of bucks.

Mr. CROWELL. I agree that $8 sounds steep initially, but there are a number of considerations here. You have already touched on one of them, which is a return to the Treasury. There is a significant cost, of course, to the Government in supplying improved campgrounds, which is where these charges are made. We don't make them on unimproved campgrounds, and if you have gone to a campground recently, why, one of the things that impresses you the most is the amount of investment in recreational equipment to be found around each of those campgrounds by the people who have come there to use them.

There are recreational vehicles in the form of motor homes or campers or trailers. They frequently bring with them trail bikes and other expensive equipment, so that when you get right down to it, $8 really becomes somewhat minimal in view of the rest of the investment that the campground users have made in their equipment to get there and then to enjoy themselves once they are in.

Mr. YOUNG. I have been told I am running out of time, but I understand the investment clause. But there are a lot of people that don't have that much money invested that do use forest campsites, and I go back to my neighborhood youth corps, the charging of the appropriate stumpage fee, possibly having them bill the parks, et cetera, et cetera.

When you go into one of those campground areas, and you see a $30,000 roving camper and motorbike that is the first thing you see, but I have also seen people with a car full of kids and some dacron sleeping bags that they bought at K Mart, and that $8 means a lot to them.

Mr. SEIBERLING. I agree with Mr. Young, and I hope you will be very cautious about how you raise fees. These are public lands. They belong to all the people, and in many cases they are the only kind of recreation some people can afford, particularly a lot of young people, and I don't think we ought to adopt a total cost approach to this particular subject. That is one of the services that the people are entitled to from the Government.

Mr. YOUNG. Will the gentleman yield? I am not worried as much about the young as I am the older, and I will tell you this. If the young ones are there with a backpack with a $95 pair of waffle stampers—I don't have much sympathy either.

Mr. SEIBERLING. Being 62 years old myself, you are the guy I am worried about. I may need a little thicker mattress pad than some young fellow. Thank you.

Mr. Secretary, I would like to have another round with the Members who are here. If you need a few minutes to take a break, we would certainly be happy to extend that to you.

Mr. CRAIG. Mr. Chairman, before we go, could I submit some questions not for immediate answer but in writing?

Mr. SEIBERLING. We already have arranged for that and everybody should feel free to do so. Shall we take a 5-minute break?

Mr. CROWELL. That will be fine.

AFTER RECESS

Mr. SEIBERLING. All right, gentlemen.

Mr. Secretary, at the risk of giving him the kiss of death, I am going to tell you that I think that you inherited a very outstanding public servant in Chief Peterson.

Our experience with him since he has been in that position has been very, very excellent. By which I don't mean to imply that he agreed with the points of view of the chairman or other members of this committee at all times.

But he is an extremely competent professional public servant, and he is a very reasonable person to work with.

I congratulate you on retaining his services, because I think you are well-served.

Mr. CROWELL. Mr. Chairman, I am glad we have something substantial to agree on.

Mr. SEIBERLING. I imagine we have some other things.

Mr. CROWELL. I hope we can find some of those areas in the future.

Mr. SEIBERLING. Thank you. I would like to return to the so-called release issue.

Mr. Secretary, on December 10, 1979, Congressman Tom Foley introduced H.R. 6070, which was the first nationwide RARE II bill, and, of course, it was strongly supported by the various associations in the forest products industry.

When he introduced the bill, Mr. Foley said this. And I quote:

> This bill will not preclude the agency from considering the wilderness option whenever national forest plans developed under the Forest Rangelands Renewable Resource Planning Act of 1974, as amended, are revised as required under the Act.

In the very same month, the National Forest Products Association published what they labeled a "Response to environmentalist charges on H.R. 6070."

And in that document, the National Forest Products Association repeated Mr. Foley's assertion that I just quoted, verbatim, and then they made it abundantly clear that they agreed with it.

For example, on page 3 of that publication, Forest Products Association, stated as fact:

> The National Forest Management Act. One of the environmental laws which H.R. 6070 reinforces requires a fresh look at land uses every 10 years. Nothing in the bill prevents the Forest Service or a President from recommending in the future that nonwilderness land be considered for wilderness.

We also received letters from the industry supporting it and saying it didn't affect second-generation plans and so forth.

The release sufficiency formula that we worked out last year had exactly the same release period as H.R. 6070.

Since that time, of course, the forest products industry has changed their position and now wants permanent release, and I think that it is a shame that we cannot reach agreements and make them stick, particularly since it was a compromise in which the environmental community made major concessions in an effort to achieve consensus. The release formula also disposed of the injunction in California, which I certainly hope we can do in this Congress, since we were not successful in the last Congress.

The release formula was also consistent with the ground rules of RARE II. For example, in the final RARE II EIS, It is stated on page 9, and I quote again:

> Roadless areas made available for nonwilderness uses will be managed in accordance with existing multiple-use or land management plans until such time as plans are revised in accordance with section 6 of the National Forest Management Act.

Again, our formula was consisent with that principle, and the National Forest Management Act, whereas the Hayakawa bill is not.

So another difficulty I have with S. 842 is that if RARE II had intended a permanent release instead of merely a release until second generation plans are developed, environmental groups would have sought to extend the California suit nationwide. However, we consulted with the environmental groups and we headed off any such efforts and responded to the legitimate concerns of the industry and the Forest Service about the possibility of such suits. We also confirmed the ground rule of RARE II that nonwilderness recommended lands would be released only until second generation plans are developed in the early to mid-1990's. Wilderness would then be one of many multiple-use options required to be considered in the development of forest plans pursuant to the National Forest Management Act.

But if S. 842 ever threatened to become law, or even started moving in the Congress, I think we might see a flood of litigation because the environmental groups were never led to believe that RARE II would result in a permanent release, and any such permanent release would amount to an amendment of the carefully balanced National Forest Management Act.

So I would suggest that perhaps it would be appropriate for you to reconsider your position on that issue before it becomes a further bone of contention.

If you want to comment on that, I would certainly be happy to hear you.

Mr. CROWELL. Mr. Chairman, I think you have made your position abundantly clear in this hearing, as to your views on the desirability of so-called release language for the multiple-use lands. I think that this is an area where you and I will probably continue to have disagreement, unlike our agreement about Mr. Peterson's qualities as Chief of the Forest Service.

It is this administration's view that release for the multiple-use lands is as necessary for them as is the assurance that wilderness designations will be permanent for the lands which are so designated by congressional action.

We think that the nature of wilderness set-asides is such that there has to be a certain finality, not ultimate finality, because Congress can always further amend the law by making additional wilderness designations in the future.

But they can also repeal wilderness designations that they have made. And that would be something that might be confronting some future Congress.

I cannot see it in the foreseeable future. But it is our view that we need to have a permanent—as much as anything can be permanent in this area—balance struck between wilderness set-asides on the one hand and multiple-use lands on the other.

Mr. SEIBERLING. Let me just ask you one more question on this subject. Then I think we have probably beat it to death.

Leaving aside what the terms of the sufficiency release language should be, don't you think it is reasonable that we approach it and try to resolve both the wilderness and nonwilderness issues at once?

The Hayakawa bill only resolves the nonwilderness side of the issue. What's the matter with approaching it on the basis that we will consider the release question whenever we, at the same time, take up the wilderness question?

Mr. CROWELL. I think that that would receive welcome consideration from the administration. We would be willing to approach it on that basis.

Mr. SEIBERLING. That is gratifying, because I feel that that is a workable and fair approach. I think if we tried to do it with just solving one-half of the equation without the other half, we run into tremendous difficulties in the House. I don't know about the Senate.

I have one more question, and then I want to yield to other members.

The Wilderness Act, of course, provides for certain things which come completely under the jurisdiction of this committee, and this subcommittee.

Do you believe that it is a sound piece of legislation, and do you feel changes are needed in the act itself?

Mr. **Crowell**. You are referring to the 1964 Wilderness Act?

Mr. **Seiberling**. 1964 act, yes.

Mr. **Crowell**. Mr. Chairman, I have not really focused on that act, section-by-section. Clearly, it has been in force now for approximately 17 years. It has been workable to this point.

Whether future experience or even accumulated experience might indicate some desirable changes to the act, of course, I am not prepared to say at this juncture.

Mr. **Seiberling**. Let me ask you about the one issue that has been raised recently concerning the act. The act of 1964 was a compromise. A deal was made that in exchange for getting the act, there would be 20 years in which mineral entry could take place in wilderness areas. That expires on December 31, 1983.

Bills have been introduced to extend that another 10 to 20 years, which upsets the deal that was made between the environmentalists and those who proposed it in 1964.

How do you feel about that effort?

Mr. **Crowell**. Let me say first that I would remind you that one of the other understandings about the passage of that act was that it was going to put a cap on the amount of wilderness that would be set aside out of the National Forest Service.

At that time, it was at about 15 million acres. We have seen that agreement breached over and over again in the 17 years since passage of the act.

With respect to your question about the mineral entry, let me just say that we did not have a situation 17 years ago where the United States was as dependent as it is today on minerals from sources outside the Nation, nor did it have the dependency on oil and gas sources from outside the Nation.

I think it is a good illustration of the fact that we cannot do anything truly permanent with respect to natural resources in this country, but periodic reviews and another look at the situation is required.

I think it is also likely that many of the people who voted on the Wilderness Act in 1964 anticipated that the 20-year expiration date for mineral entry and exploration would precipitate exactly that kind of review, and that it was not necessary to be assumed that there was to be no further review of the question by the Congress or the public when the 20-year period expired.

Mr. **Seiberling**. I wish you could document for our benefit the statement that there was some understanding that there would be a cap on national forest wilderness.

I have been working on this for many years and this is the first time I ever heard of any such understanding.

Second, I would simply like to say that when we have drawn boundaries of wilderness areas in the past, we always give the most careful attention to trying to eliminate areas of high mineralization wherever that is feasible, and so I think that we have really been most conscious of that. I also believe that the record will show that we were just as dependent upon strategic mineral imports at that time as we are today. There may have been some shift as to which minerals. Nevertheless, any valid claim in the wilderness area that is filed prior to 1984 can be developed.

So I really find that a rather hollow argument. And, of course, in the future, if we have the problem, Congress can open them up some more.

So your argument doesn't really impress me very much.

Mr. CROWELL. If you assume that we know all there is to know about the mineralization and oil and gas that underlies the wilderness areas, then you can reach the conclusion you have reached, Mr. Chairman.

If you assume that we know very little about the mineral resources and oil and gas resources of wilderness areas, then I think the conclusion is compelled that one ought to at least consider being able to continue exploration in wilderness areas.

Mr. SEIBERLING. I don't assume we don't know a lot about them. As a matter of fact, USGS has done a fair amount of studies in the wilderness areas. But more importantly, it should be noted that we are only talking about 5.7 percent of the total public land areas in the lower 48 States. A mere 5.7 percent is now designated as wilderness.

So I just want to try to put that in perspective. Can't we develop the remaining 94.3 percent first? Why must we sacrifice wilderness before other areas are explored and developed? I have used up my time.

Mr. Weaver.

Mr. WEAVER. I have to go out with the same line of thinking that you have, Mr. Chairman—to ask a question of the Secretary, the same question I asked Secretary Watt.

Don't you feel that we should leave just a couple of drops of oil for future generations, so they may be able to plant food and eat, or are we going to burn all the oil up and use all the minerals up as fast as we possibly can?

Mr. CROWELL. Certainly we have to be concerned about conservation of our mineral resources and our petroleum resources.

Mr. WEAVER. That isn't what I was talking about, Mr. Secretary. I asked the question, shouldn't we leave some oil, gas, minerals, for future generations? Just simply leave it for them so there is some?

Mr. CROWELL. No, I don't think we necessarily should.

Mr. WEAVER. That is very good. That answers my question.

Mr. Watt said that he didn't know how many future generations there would be, because the Lord might return at any time. Yours is a more direct answer.

An issue occurred in the Agriculture Committee earlier this week in which we argued as to whether we should cut more deeply into the budget for reforestation or for forest road construction funds. It showed certain elements of the timber industry in their true light. They simply just want to get the roads up there, cut the trees and then leave.

The issue is whether reforestation should be cut $20 million, resulting in the destruction of 64 million seedlings, or whether we should fund the forest roads construction to a much higher capacity.

I am sure you have heard about this, Mr. Secretary. Where would you have come down on that—the cutting of reforestation funds or the cutting of the roads funds?

Mr. CROWELL. Mr. Weaver, I think pretty clearly one has to achieve a balance. That is what the budgetmaking process is. We are trying to spread a limited resource, in this case, dollars, to accomplish a variety of purposes.

Mr. WEAVER. Mr. Secretary, I understand that. My question was on a specific vote taken in the Agriculture Committee to cut reforestation $20 million or to cut roads $20 million.

Where would you have lined up on that vote?

Mr. CROWELL. Not knowing enough about the facts about it, I have no position to state at this juncture.

Mr. WEAVER. You were not apprised of this?

Mr. CROWELL. I was apprised of what was happening. But I don't know anything about the various arguments that went on with respect to making the decision.

Mr. WEAVER. You didn't involve yourself in that decision?

Mr. CROWELL. I did not.

Mr. WEAVER. You didn't talk to aides about the fact that the Agriculture Committee was going to have a vote?

Mr. CROWELL. It was reported to me that the action was taking place, but I took no position about it, because it was being reported to me as accomplished fact, and I was not given any direction as to which way we should be advocating one way or another what would happen there.

Mr. WEAVER. The Forest Service said, speaking for the administration, that they supported the vote in the Agriculture Committee taken to cut the $20 million from reforestation and restore the $20 million for roads.

Mr. CROWELL. Well, then, I would assume that the Forest Service had made a good professional judgment about the extent to which that portion of road moneys was going to be necessary to accomplish the programs that were called for, and which were going to be dependent upon those roads being constructed.

Mr. WEAVER. May I ask you this?

Mr. CROWELL. That they made a comparable judgment about the extent to which reforestation could be accomplished without that $20 million addition.

Mr. WEAVER. They did. In their notes, they said that 64 million seedlings would have to be destroyed.

If we do not keep reforestation up, doesn't that have an effect on the allowable cut in the old-growth forests of the Northwest?

Mr. CROWELL. Yes; it certainly can have. You are aware, of course, Congressman, that the reforestation funds we are talking about are for reforesting lands which have been deforested as a result of fires or insect kills. That it is not a consequence of needs for reforestation resulting from timber harvesting.

That is taken care of through the collections which are made under the Knudsen-Vandenberg Act from timber purchasers.

Mr. **Weaver**. That attempt is different from every chief that has appeared before my committee, in which they have said the Knudsen-Vandenberg funds have never been sufficient to do that.

Mr. **Crowell**. It is not sufficient for doing the entire reforestation job.

Mr. **Weaver**. I am talking about Knudsen-Vandenberg funds have not been sufficient for many years to reforest the actual harvests that have taken place.

Mr. **Crowell**. That is the first time I have ever heard that. Maybe the Chief would like to comment on that?

Mr. **Weaver**. I would like the Chief to comment.

Mr. **Peterson**. At one time, Mr. Congressman, the rules required that we use the past 5-year average cost in calculating the amount of money that was needed for reforestation under the Knudsen-Vandenberg Act. About 3 or 4 years ago we changed that and we now collect on the basis of your estimated cost of doing the job. Now, assuming that inflation does not go somewhere we did not expect it to go, we should not have a problem of reforesting the area that is harvested. It is true in the past where we used past average cost, with inflation we did not collect enough to do the complete job. But that should not happen in the future. The change was made in 1976.

Mr. **Weaver**. Mr. Secretary, the reason that we have a timber shortage in the Northwest, northern California, is because of the past timber holdings have been liquidated and are not now throwing off as much timber as they had been. You have proposed in your speeches and policy statements that you have made to make the same error in the national forests by increasing the cut there. Can you explain, please, why you want to do that?

Mr. **Crowell**. That is an erroneous characterization of what I have been advocating, Mr. Congressman. I think you know that.

Mr. **Weaver**. I do not know that at all.

Mr. **Crowell**. What I have been advocating is that the excess inventory, excess to the needed growing stocks on the national forests, should be harvested at a rate which would prevent waste of that old growth timber by rot, disease, or insect loss and that we put it to use to sustain the existing mill capacity in the regions of the Northwest, where that capacity is in existence, and where it had been existing in the past on timber from private and public lands. We have an excellent opportunity in the Northwest, particularly with the dip which is occurring in harvests from private timberlands, to accelerate harvest of old growth timber on those national forests where we have an excess of inventory to the needed growing stocks.

Mr. **Weaver**. Now, you use words like excess. What does excess mean? You are talking about old growth trees now in the forest, correct, when you say excess. What are they excess to, sir?

Mr. **Crowell**. They are excess to the necessary growing stock. If you want to have a forest which is in a fully managed State, and which is capable of producing a perpetual outturn of timber in the same quantities year in year out, decade after decade, you need to have an even distribution of age classes of timber. For example, if you are——

Mr. **Weaver**. You do not need to go into examples, Mr. Secretary. I understand it all too thoroughly. However, if you do this liquidation of our national forests you are talking about, you will not have an even flow, nondeclining yield of timber coming from those national forests. The harvests of the national forest will have to decline in the future will it not, if you liquidate this excess as you say.

Mr. **Crowell**. The harvest from the national forest would go up as a result of a departure from nondeclining even flow, and would then come down again after the old growth inventory had been harvested.

Mr. **Weaver**. So there would be a decline in the harvest from the national forests after you had finished liquidating them?

Mr. **Crowell**. But there would not be a decline from the current level of harvest which has been predicated on nondeclining even flow. No one should make the mistake of equating nondeclining even flow with sustained yield.

Mr. **Weaver**. If that is the case, Mr. Secretary, then why are not the private lands, which have undergone the same liquidation, why are they not throwing off more trees now. Somehow or other you say if you cut down all the trees and start growing vigorous new stands, you will have more trees coming out. Under that basis you would have more trees coming off the private lands today. They are not.

Mr. **Crowell**. Private lands have gone through the same processes that the national forestlands are going to have to go through if we are going to avoid wasting the old growth resource.

Mr. **Weaver**. But you have an enormous decline in the private timberlands right now, and it is going to fall off more sharply in the next 10 or 15 years.

Mr. **Crowell**. I am not sure how sharp or enormous the falloff is or has been. But you are correct that there is a decline in the volume of timber coming from private lands. And that is a consequence of the fact that they have been in effect harvesting their old growth on—not doing it on a nondeclining even flow basis.

Mr. **Weaver**. Yes; but they have been doing it for 100 years.

Mr. **Crowell**. Not 100 years.

Mr. **Weaver**. I am sorry, sir. The harvest in Oregon started before then, and quite heavily, as a matter of fact, in the privately held lands. So under your theory by now we would be having increased harvest from the private lands, when the opposite is true. We are getting decreased harvests from the private lands.

Mr. **Crowell**. No, Congressman; major harvests on private timberlands occurred during World War II and therefore——

Mr. **Weaver**. Mr. Secretary, one final question before my time has expired.

Do you know what year we harvested the most timber in Oregon, in the Northwest?

Mr. **Crowell**. No; I do not know the answer.

Mr. **Weaver**. Let me tell you. It was 1903, sir. Thank you.

Mr. **Seiberling**. The gentleman from California, Mr. Clausen.

Mr. **Clausen**. As a partial followup to the gentleman from Oregon's questions and comments, and maybe this is a departure from the routine, but I would simply say that I believe that both the gentleman from Oregon, Mr. Weaver, and the gentleman who is a witness from Oregon, Mr. Crowell, would agree if they had their druthers in this budgeting process, that you would like to have sufficient funds for both an adequate road program as well as a reforestation program. It narrows itself down to where you place the priorities within the context of the total budget consistent with the reconciliation processes. If we are going to deal with excesses, as has been suggested, it really boils down to whether you are having a living forest or a dying forest. And I know that there are certain areas that can be revitalized. I can tell you that within the confines of my own congressional district, that we have had some areas that have not been managed adequately. Quite frankly, we had a number of people that came down from some of the Northern States, and we categorize them as cut-and-get-out types of operators. They are no longer around. But there was not an adequate forest practices act in California. But all these things now are there and available. And I think we are on the threshold, quite frankly, of being able to comport with an entirely updated resource management program. And as I have evidenced in your testimony here, that is exactly where we would like to take this. But it always boils down to the adequacy of the funding commitment, whether it is roads, reforestation, or the management of the resources in their entirety. And I think quite frankly, as we look to the overall budget priorities of the Congress, I think this Congress needs to give more in the way of attention to giving these kinds of resource-management items the priority that they deserve in the total budget that we are trying to address.

With that in mind, there has been a discussion on roads and the road-construction program. On the one side the Forest Service could go out and contract, if they had the money. They could go out and contract for the building of the kind of a road system that would permit them to maximize the management potential on a carefully planned and engineered basis. On the other side of the coin, which again has been the route that the Congress and the executive branches of the past have taken, namely, to have the individual that bids on a given parcel of timber actually go out and build that road. Now, do you have any feelings on that, as to what would be the more prudent course of action or by the same token, the more desirable course of action as it relates to the building of the kind of a road system that would make the living forest most capable of providing maximum yield on a sustained basis for the future generations to enjoy.

Mr. **Crowell**. The business of obtaining funds to make necessary investment for wise forest management of course is an ongoing public policy question which each administration in turn must address.

We will be doing that, of course. We will be formulating our budget in accordance with the best opportunities that we can see for maximizing the return from the resources, and for protecting the capabilities of the forest to continue to produce the amenities and commodities for future generations.

As you know, Congressman Clausen, one cannot always find the funds to do everything one feels one wants to or is necessary. And so there have to be accommodations made to suit all of the other demands on Federal funds.

We hope we can do a good job showing opportunities in the budget processes for accomplishing wise forest management that will both utilize the standing resource and prevent its waste, at the same time putting into new timber crops the land which is occupied by those old growth standards today. At the same time we hope that that—we fully expect to be able to demonstrate that that kind of investment will make returns to the Treasury which would justify the necessary budget allocations for management of the national forest system.

Mr. CLAUSEN. I am wondering if we have reached the point—and I have discussed this with Chairman Seiberling in some of our ventures out into the West as we have looked at some of the RARE II areas—I am wondering, have we reached a point where we should be possibly looking to the development of a new funding mechanism that would give us more in the way of an assurance of a flow of revenues in order to manage these resources consistent with what we know to be good management practices and the capability that is there as long as you have an assured revenue source.

You know, Congresses come and go, and I am just, frankly, of the opinion that the Congress itself is as much to blame as anybody. We have not given the kind of priority to the appropriations process to permit the Forest Service to develop the kind of practices that I know they are capable of. I think the gentleman from Oregon has stated it, that you look at the best in the private land management programs, and they have, I think, a higher yield.

They have more in the way of an assured yield, but the reason for that is that they have made the kinds of investments that permitted them to go forward. That suggests they have funding mechanisms to do this and I think we have to have something comparable if we are to be competitive. Have we reached that point where we should be looking for new funding mechanisms?

Mr. CROWELL. The task of making investments, long-term investments in public assets is one which is not a customary function for either the Congress or the Office of Management and Budget to be dealing with. So, any ideas that may be generated by this committee or any other committee of Congress for making wise investments in the national forests would of course be welcome and would be given very careful consideration by this administration.

Mr. CLAUSEN. I think the balance of the questions, Mr. Chairman—it is 20 minutes after 12—all members can submit and I will be submitting more detailed questions to you to make the best use of your time as well as our own.

Mr. SEIBERLING. Thank you.

I have one more round of questions I would like to ask, and Mr. Weaver does. We probably can finish around 12:30, if that is agreeable with everybody.

Mr. Secretary, the jurisdiction of this subcommittee and the jurisdiction of Mr. Weaver's subcommittee overlap, to a considerable degree, where we are dealing with the national forests. At a hearing a couple of years ago out in San Francisco, we had considerable testimony from the fishing industry and examined in particular the so-called Oswald report. Are you familiar with the Oswald report and its study of timber production in northern California's national forests?

Mr. CROWELL. I remember hearing about it, Mr. Chairman, but I must say I have a very fuzzy recollection of the report.

Mr. SEIBERLING. I certainly commend it to you. One of the things that was brought out was that if we are going to follow the policy of sustained yield, the national forests in northern California cannot possibly prevent the significant decline of timber production in northern California that will occur in the next several decades. Oswald suggests the reason is that the private lands have from overcut, have not been managed on a policy of sustained yield, and so there is no way that the national forests can make up the difference. In fact, the Oswald report noted that "a 50 percent increase in output from national forests, if captured by the region's mills, would increase the flow of timber in the mills by 130 million board feet, only 7 percent of recent sawtimber output levels for the region." Obviously a doubling of it would increase it by 14 percent, so there are severe limitations if we are going to follow the policy of sustained yield, which is what is mandated by law.

Another interesting point that was made more recently in a hearing that this subcommittee held in Portland last month was a presentation by Dr. Jerry Franklin of the Pacific Northwest Forest and Range Experiment Station, who gave us a very fine treatise on the ecological value of old-growth forests. In response to a question from Congressman Weaver, he stated that: "the only two studies completed to date on growth and yield in old-growth stands indicate that old-growth forests showed an increase in wood volume during the study period." So the notion that old-growth stands are stagnant or dying is in conflict with the facts available to date. For what it is worth, I think we ought to get that in the record at this point.

There is one other point I think we ought to get in the record, which I would also like to bring to your attention. I spent considerable time in northern California in the last couple of years, as the gentleman, Mr. Clausen, knows, and Regional Forester Zane Smith and I traveled around together a couple of years ago. I have pictures in my office just below this room of what has been happening as a result of timber harvesting on some of those steep slopes and unstable soils that are characteristic of the mountain areas of the northern California coast and it is devastating.

We had testimony at the hearing in San Francisco that I referred to earlier that 100 years ago there were something like, as I recall, 6,000 miles of salmon-spawning streams in northern California, and today there are but 300 miles left. The fishing industry testified in our hearing in Weaverville last month that they are most concerned about what is going to happen to the remaining resource in that part of the State if logging is accelerated and key areas are not given wilderness protection. Some of their recommendations are to put all the remaining viable salmon streams as wilderness.

Now, Forest Services personnel impressed upon me, that all those bad logging practices were in the past, and that under their new management practices the same abuses will not occur. Well, I would contend it is still going to happen unless two things take place: First is that there is adequate funding for the biological experts within the Forest Service and the soil experts so that they will not allow practices on areas where the soil is unstable and where you cannot protect the streams from siltation and so forth. And yet the money for that kind of thing is being cut in the administration budget recommendations and in the Congress.

The other thing is that the Congress should monitor the law so as to make sure that those resources are protected. From all the sounds I am hearing from the new administration, environmental protection is not one of their priorities, so I would just like to get your response in light of what I just said.

Mr. CROWELL. That is a pretty long question, Mr. Chairman.

Mr. SEIBERLING. It wasn't so much a question as kind of a backgrounder, you might say.

Mr. CROWELL. Let me try to respond, I think, in three parts. You mentioned the Oswald report. I didn't have a chance to say that I do remember that it was criticized rather heavily by some other academics and some people who felt that the premises that the report was based on were flawed. Obviously the conclusion that you stated, and I don't question that you stated it correctly, that the extent to which the national forests might be able to make up a decline in harvest levels from private lands would be a function of the available timber and the amount of national forest compared to private timber and private lands.

With respect to the testimony by the researcher from the Northwest Forest and Experiment Station, in which he indicated that the old-growth forests had continued to put on some growth, I would only comment that it depends on how you define an old-growth forest, and it depends on the makeup of that forest as to whether or not there is a net growth or a net loss.

It is clear beyond question that in stands of old-growth Douglas fir, which are even aged, that it will eventually reach a point where there is a net loss from the stand.

It is also a known thing, and has been for a long time in forestry, that if you have a stand of even-aged trees, that they grow most rapidly at a certain stage of their life, and then the growth rate slows down thereafter, and then eventually, of course, they get to the point where decadence sets in and they die. They don't last forever.

The third point that you were making about the necessity for funds to assure protection of the fisheries resource particularly is perfectly accurate. You are right. We do have to have funds and we do have to pay attention in the course of management of the national forests, all of the resources that are under our jurisdiction, and we intend to do that.

I don't intend to preside over any abuses of the national forests, particularly of a kind which would rob them of the capability for contributing to the wealth of future generations, but neither do I intend to stand by and allow the current wealth of those national forests to go to waste, and that is the issue over the departure from nondeclining, even flow.

Mr. **Seiberling**. Let me ask you a couple of things about that. Isn't it true that there is a shift in the administration's budget priorities away from research and development and reforestation and toward roadbuilding and the other things that are involved in increasing the cut?

Mr. **Crowell**. No; I don't agree with that conclusion, Mr. Chairman. There have been cuts, substantial cuts, made in roadbuilding funds. There have also been cuts, unfortunate though they may be, in reforestation. There has been no cut, at least there hadn't been until last week, in research. This administration is emphasizing research very heavily. Secretary Block is a very strong supporter of agricultural and forestry research.

Mr. **Seiberling**. Do you include in research the technical staff to make the necessary studies before you decide a particular area is suitable for logging?

Mr. **Crowell**. No; that is not funded by our research budget, but clearly we do have to perform studies and be sure that what we are proposing to do with respect to any kind of a management plan is done with the assurance that we are not going to have excessive soil erosion or that we are going to have unacceptable adverse effects on the environment.

Mr. **Seiberling**. Is the administration cutting the funds and the staff that does that particular part of the work of the Forest Service?

Mr. **Crowell**. No.

Mr. **Seiberling**. I am glad to hear that.

Mr. **Clausen**. Will the gentleman yield?

Mr. **Seiberling**. Yes.

Mr. **Clausen**. I think the gentleman has asked a good line of questions here, but I think we need to remind ourselves quite frankly when we looked at the budgeting process that regrettably, because of what has happened in the past, we are going through an adjustment and an austerity period, and there are many areas that have been cut that I would personally not like to have seen cut.

But this goes clear across all of the budget items because of the situation we find ourselves in, and I strongly believe that we may be on the threshold, on the basis of discussions that you and I have had, John, of a new era. I am going to ask this on the public record as I have stated to you privately, John.

I think the time has come for the minimizing of the confrontations and the maximizing of cooperation with particular emphasis, and I would hope that you would take this as a congressional directive, which I know that you believe in, and that is the bringing together of those people that are all interested in renewable resources.

The fishermen are interested in sustaining their resources as the foresters are. I think that happens to be an avenue that you can pursue by bringing the fishermen, the foresters, and the farmers together toward a common consensus on how they are going to achieve certain objectives. I think if we do that, we can have a funding commitment necessary to fulfill those objectives. I think we can look to the future generations, as I see it, with a great deal of optimism, and I think that we are heading in that direction.

Mr. **Seiberling**. Let me just say that the next question is not whether you are cutting the funds but whether you are going to increase them. When we were on the south fork of the Trinity River 2 years ago, at Penny Ridge, and in response to a question that came up about some severe slides and slumps in an area that had been logged there, we asked if the Forest Service had done on the ground environmental and soil studies before proceeding with the timber sale. The Forest Service people indicated that they had not had the staff to do the onsite studies and inspections that should be done and that they had approved the sale based on a computer analysis of general soil characteristics in the area.

My next question is that being the case, what is being done about providing for the necessary staff so that we can assure that future similar environmental mistakes will not occur?

Mr. **Crowell**. Chief Peterson is dying to answer that question, Mr. Chairman.

Mr. **Peterson**. Unfortunately, I was not with you on the California trip.

Mr. **Seiberling**. I guess it was Regional Forester Zane Smith that was with me.

Mr. **Peterson**. Let me point out in the President's 1982 budget that is before the Congress, we did in fact increase the amount of funding that was requested for soil and water activities related to timber sales, because we recognized we were going to be going into some areas we had not been in before, some areas where we needed soils information and so on. We did increase the amount of money in the President's budget request for 1982 for those kinds of activities, and specifically on the Six Rivers Forest, we have there I think a very well qualified staff including one young man who has advanced degrees in both fisheries and geology as well as some other very competent staff there that are trying to assure that we do protect those streams. That is one of the reasons for going to the ridgetop road system on that forest so to get away from trying to build roads up those individual drainages. So there has been quite a bit of change, including new harvest systems that are in use there to, again, protect those streams.

Mr. **Seiberling**. I must say the ridgetop system does appear to be an improvement. The South Fork of the Trinity River is a good test case. If that area is logged and we end up silting up that stream and the salmon resource, which is a multimillion-dollar-a-year resource, is wiped out, then the pressure from the fishing industry as well as from environmentalists to put every one of those watersheds in wilderness is going to be tremendous, so I am glad to hear that you are beefing up that staff.

Let me just ask you, chief—go ahead.

Mr. **Peterson**. I am very aware of that situation. I can assure you that the plans that we have underway now will not wipe out that fishing on that river.

Mr. **Seiberling**. Let me ask you one other thing. Does the Forest Service stand by the Oswald report?

Mr. **Peterson**. Mr. Chairman, the Oswald report was issued in draft form. It had a number of comments on it. It was redone. The important thing in the Oswald report is to read the assumptions that went into the report. The assumptions were if the level of management on the land, the level of investment on the lands continue as it is now, then this is what will happen, because you had to assume something.

Now, the fact is there have been some increases in investment. There have been substantial increases in utilization that are coming along, so I think the outyears will be somewhat less than he showed based on past assumptions. But I think it is true that there will be some reduction in timber output from northern California from private lands. I don't think anybody is arguing with that. The question is how much can be made up from the national forests. We don't know the answer to that yet.

Mr. CLAUSEN. Will the gentleman yield?

Mr. SEIBERLING. We have taken up a lot of time. I would like to recognize Mr. Weaver.

Mr. WEAVER. Thank you, Mr. Chairman.

Mr. Secretary, this is the report that the chairman has cited by Dr. Jerry F. Franklin and others, Pacific Northwest Experiment Station, dated February 1981. It is the best, to my knowledge, scientific documentation that we have on old-growth forests, and before you continue to go around the country saying that these forests are going to waste, I would hope you would read this report of your own Forest Service. For instance, in the summary, "Gross productivity is maintained at high levels in most old-growth stands, but mortality generally balances growth."

Nevertheless, there is not a diminishment, and in two studies the chairman cited from this text, they actually increased in production.

> Nitrogen-fixing epiphytes are abundant in old-growth trees, and bacterial nitrogen fixation appears to be common in the large woody debris characteristic of old-growth forests.

Dr. Franklin testified this is an extremely important ecological attribute of the old-growth forests that new-growth forests don't do. New-growth forests don't fixate nitrogen. We may be depleting our soils of needed nutrients that may go to the detriment of new stands, so old-growth forests play an extremely important part of the forest cycle in the production of timber as well as producing timber themselves. I would just hope you would bear that in mind as you go around the country saying that the old-growth forests are excess and waste. Read the best scientific knowledge that the Forest Service has put forth.

Mr. Secretary, as chairman of the Forest Subcommittee, I am undertaking an investigation into the Tongas National Forest relating to the *Reed Brothers* antitrust case, and I have written a letter to Chief Peterson on June 8, 1981, asking that the subcommittee be kept fully informed of any documents or other information the Forest Service discovers that bears on the question of possible timber sale revenue losses to the Government, and so forth. Will you make sure that this request be honored, and that the subcommittee be kept fully informed as the Forest Service makes its investigation?

Mr. CROWELL. Certainly.

Mr. WEAVER. Thank you.

There is a minor—it isn't minor to me but it is a minor matter in terms of general policy of Forest Service land trade in Douglas County, Oreg., between the Forest Service and a Mr. Michaels, in which the Forest Service is trading 7 acres of prime commercial land in Roseburg for some cutover lands off in the boondocks, and I just want you to know that this is to my mind an outrageous trade. I don't feel that the values are there, and I also am defending the veterans who feel that their possibilities of expanding their cemetery in Roseburg will be diminished by the trade, and I just want to inform you that I wholeheartedly oppose the trade.

I would like to conclude—well, one further question before I ask a concluding question. You answered another member, Mr. Secretary, that you weren't going to make wholesale changes in the regulations put out under the Forest Management Act of 1976. Yet you have said, been quoted at least—and I am quoting though you may have been quoted inaccurately, that you were looking at the possibility of changing regulations having to do with streamside protection and clear cutting. Do you anticipate any changes in regulations that would diminish streamsite protection in harvested areas?

Mr. CROWELL. As I indicated earlier, the National Forest Management Act regulations are under review. I also indicated I didn't anticipate any substantial changes to them.

Mr. WEAVER. Particularly in the streamside?

Mr. CROWELL. If the quote indicated that I was indicating that there would be changes in the regulations with respect to clear cutting, I think that is an inaccurate quote. It is accurate with respect to streamside protection regulations to this extent. I said that I felt that the regulation as currently written could be subject to a rigid construction that it did not adequately indicate that flexibility in judgment should be applied to streamside protection evaluations, and that there might have to be a change that would introduce some flexibility so that values could be properly weighed in making determinations about the extent to which streamside protection was to be afforded, and the example that I gave to the reporter, and whether or not it appeared in the article that you saw I don't know, but the example I gave was that if you have a small stream with old-growth timber on either side of it, and the determination is made that the old-growth timber should be harvested from a forestry standpoint, that that harvesting should not be prevented solely because of the necessity for protecting that stream, because the values which were involved could be very high with respect to the timber, and very low with respect to the streamside protection which would subsequently realize protection from new growth very quickly.

Mr. WEAVER. Thank you. I would want to watch that very closely, because that is critical for the streams of Oregon, that regulation.

My concluding question, Mr. Secretary, deals with your comments that you made as to the reintroduction of the use of 2,4,5-T as a vegetation device in our forests, and I believe you were quoted as saying in an article that the reasons not to use it were "thin, very thin," against 2,4,5-T. I would like to read you a page of testimony from a doctor in Coos Bay, Oreg., to my subcommittee, so that perhaps you might take another look at the use of 2,4,5-T and these herbicides. It reads—this is an old-line conservative doctor, by the way. He is not one of these new, young, bearded fellows who go out there.

My name is Joseph T. Morgan, M.D. * * * Coos Bay, Oreg. * * * I am a physician in the full time private practice of medicine, and I have practiced at the Bay Clinic in Coos Bay, a multispecialty group of fifteen physicians, for the past 15 years. I graduated from the University of Colorado School of Medicine in 1960 * * *.

He is a member of a number of different fellowships.

At this time I wish to voice some of my concerns about what I see as the potential for adverse effects on human health from exposure to herbicides. I became interested in this problem about 5 or 6 years ago as a result of experiences related to me by patients I have treated. I have not amassed any statistical data. I have not done any scientific studies or conducted any research. I am simply a practicing physician in a small city who is trying to help sick people regain their health, and what I have to say is based on my clinical experience.

There has been a tendency in recent years to criticize or dismiss as "anecdotal" anything that has not been proven in the laboratory or subjected to double-blind experimentation, but it should be pointed out that the history of medicine is largely built on the foundation of the one-to-one encounter of a patient with his physician.

When you hear an unusual story once, your reaction may be "Isn't that an interesting observation, but there is probably no direct relationship." You hear the story again, and it may strike you that an unusual coincidence has occurred. And then you hear similar information a few more times from additional patients, and you may begin to wonder if it might not be more than coincidence. Eventually, after sufficient repetitions, you begin to realize that perhaps there can be a cause-and-effect relationship. This is what has happened with patients who have related to me their experiences with herbicide exposures. Over the past 5 or 6 years I have seen probably 50 or 60 individuals who have recounted a variety of problems coincident with such exposure. A number of individual cases have also been described to me by colleagues.

The circumstances have been varied. Some have been prolonged occupational exposures. Some exposures have presumably been brief. They have included homeowners living near sites of aerial spraying for forestry and agriculture. They have included spray applicators. They have included home yard and garden use. Some of the exposures have been airborne, and some have presumably resulted from intake of contaminated water. In some instances information was volunteered by a patient in the course of a visit primarily for another reason. The symptoms experienced, the type of illness involved, varied from case to case. However, certain complaints were noted with some degree of frequency. The manifestations reported have included:

Headaches of various types.

Respiratory irritation, including burning of the nose, throat, or chest; running nose, coughing, wheezing, and chest pain.

Flu-like symptoms.

Abnormal tiredness.

Malaise—a term which means a general feeling of illness, sometimes accompanied by decreased appetite, restlessness, and decreased energy.

Weakness, sometimes localized, such as to the legs, and in some instances generalized.

Disturbances of the gastrointestinal tract, including nausea, vomiting, gas, bloating, cramps, diarrhea, and intestinal bleeding.

Paresthesias and numbness.

Impaired coordination.

A feeling of difficulty concentrating and mental confusion.

I think we probably all have that.

Irritation of the mouth and gums.

Abnormal uterine bleeding.

Muscle and joint aches and pains.

Spontaneous bruising and bleeding, fluid retention with edema * * *.

One might ask if these observations can be proven. No, I cannot prove them by the criteria that would probably be required to satisfy skeptics.

But he went on in his further testimony to say he just saw such a pattern, such an incident that his extreme concern was that we not continue to use these herbicides. And, of course, they are used intensively on ranges for vegetation growth. I have over a number of years talked to a number of doctors with almost identical conclusions and feelings. At the very least I think it would be wonderful if the Forest Service before they began using 2,4,5-T or Silvex, undertake a really good scientific investigation into this. I know you will say the EPA should or has done it, I know you will say other things. I just feel that the circumstantial evidence is extremely strong. As a distinguished Member of Congress, the chairman of this committee, said, quoting Thoreau, circumstantial evidence, he said, that is like when you find a trout in the milk.

Mr. **Seiberling**. I think the exact quote is some circumstantial evidence is very strong when you find trout in the milk.

Mr. **Weaver**. Thank you very much, Mr. Secretary. Thank you, Mr. Chairman.

Mr. **Crowell**. Do I get a chance to respond to that question?

Mr. **Weaver**. All you like.

Mr. **Crowell**. That testimony of the doctor from Coos Bay that you read, Mr. Weaver, is of the kind that has troubled me, too. I have heard instances of that sort of testimony from some other doctors in Oregon. It does lead one to conclude that there is some circumstantial evidence that causes—that should cause concern in any thinking person's part about the use of herbicides and pesticides generally. But when one is effecting the use of a particular herbicide or pesticide, one has to focus much more closely on such studies as have been done—the kind of scientific studies which you have advocated.

You can be assured that we do not intend to use herbicides which are not approved by EPA. We could not do that lawfully. But even in cases where they have been approved by EPA, that they would be applied with great concern and attention to the fact that they be applied appropriately and in accordance with the directions that either EPA or the manufacturer has imposed.

Mr. **Weaver**. Mr. Secretary, I do not mean to appear cynical, and forgive me for my cynicism. But I think a deal is being cut with the chemical companies and EPA, and therefore I do not pay much attention to that. I am pleading with you as just an individual to take a look at it. And may I point out one final thing, one final thing. And that is, the hearings that I held in Oregon established from the BLM particularly, and from some lumber unions that we could employ up to 5,000 people—and there is heavy unemployment in my area now. We could employ 5,000 people in manual brush control, and there are people ready to go to work, I can assure you. I have met with hundreds of them ready to go to work. And they have done that kind of work, they know what it is like, and they will go to work. And if you not only compare the costs of herbicide spray with the costs of manual brush control, but if you also add in unemployment compensation or welfare or whatever for the unemployed, you will find that the cost to the Federal taxpayer is less to put those people to work. It may not be less to the Forest Service. But it is less to the Federal taxpayer. And that is who I represent.

Mr. CROWELL. And I represent the Forest Service. And you put your finger on the very difficult problem here.

Mr. WEAVER. You represent the taxpayer, sir.

Mr. CROWELL. I do that, too. But I represent the Forest Service, and their budget responsibilities. And they have to do things within reasonable cost. The kind of hand work that you are talking about doing on the national forest simply cannot be justified in terms of the return that would eventually be realized in stand improvement work. It is just out of the question as far as I know.

Mr. SEIBERLING. Will the gentleman yield.

Maybe the time has come for OMB to set up some internal system and the Appropriations Committee likewise so that there would be some way of crediting the costs of welfare and food stamps and so forth that would otherwise go to the people who are employed in that kind of project, crediting that against the budget of the Forest Service, so that we could see what the overall cost was. Because it makes absolutely no sense from the standpoint of the U.S. taxpayers to say, well, we are only going to look at what it costs for this agency budget, and we are not going to worry about what it costs to the other.

Mr. CLAUSEN. Will the gentleman yield?

I have not read in its entirety the GAO report on this issue. But that which I read in the report revealed to me that the Forest Service is in fact carrying out some pilot projects. And you are trying to gain some experience so as to provide the data base upon which to build a comparative cost between the chemical method and the manual treatment method. You have not closed the book on this, have you?

Mr. PETERSON. No. Mr. Chairman, I think this issue is an extremely complex one. I looked in Oregon, for example, last year, at some manual clearing we had done the year before. And because all the root system is left in place, the brush was as high the following year as it was the year before. So it is not a matter of doing it once. You repeatedly do it. We are looking and are using fire in many places now where hand clearing will not do the job. We are doing some hand clearing where the hand clearing will work, and where the costs are somewhat reasonable. We do not just automatically look at an area and say let us apply chemicals. In some cases where the trees will get above the brush without help, we let that happen. So we are using a large number of tools to try to fit what we are doing to the job that needs to be done. Now, unfortunately, in the coast range, for example, in Oregon, you have very steep terrain, with literally millions of stems per acre. And to remove that by hand in the first place is prohibitive. In the second place, if you remove it, it will be back next year.

So we are trying our best to use the right technique, to fit the right situation. And we have made, I think, substantial progress in doing that. We are spraying a lot less country.

Mr. WEAVER. If I may comment on that. I live in this area. And I go over these acres countless times. And I hear this double standard always—manual vegetation control, they come back the next year. But somehow or other we are told that the herbicide spraying is perfect, or the implication is that. I have been over hundreds if not thousands, of acres sprayed by herbicides and have seen faulty kills, three-fourths of the vegetation still alive, or the brush coming back next year. But I never hear anybody saying these criticisms of herbicide spraying. Only of the manual pulling. And I am just getting awful tired of these double standards constantly. I really am.

Mr. **Peterson**. Mr. Chairman, that is correct, in some places herbicides do not work perfectly either. I would agree to that.

Mr. **Clausen**. Mr. Chairman, we are running out of time. While we are on this subject, I was troubled by the gentleman from Oregon's comments about the fact that there was a deal cut. That is a pretty severe charge—a deal cut between the EPA and the chemical companies. At some point I want to pursue that, because that runs strictly counter to my perception of what is going on. I happen to be involved in my other committee assignment on the clean water program. I can tell you that we are just on the threshold of developing a dialog between chemical companies in the area of research. It is my intent, and I can show you copies of the speeches that I have made—we spent $35 billion in an effort to try to clean up the waters of America, and it is not working. We need to place heavier emphasis on the control of toxic contaminants, and a lesser emphasis on expenditures on a priority basis of the biodegradables. That is where this thing is going to go. But it is a matter of the tolerance levels and the approaches that we take in the area of water management.

Mr. **Weaver**. I want to tell the gentleman I commend and congratulate him on that. I agree with him completely. I think EPA blew this whole clean water thing so badly, with their outmoded engineering restrictions and regulations. I want to say I will back him up on that completely. I was just simply saying that I was being cynical when I thought, and maybe I am just cynical, when I thought maybe perhaps a deal was being cut.

Mr. **Clausen**. I did not put it in a question.

Mr. **Weaver**. I say a deal was being cut.

Mr. **Seiberling**. I think he said he had drawn that conclusion.

Mr. **Weaver**. I have drawn the conclusion from my cynicism that a deal was being cut.

Mr. **Clausen**. Do you have any evidence that a deal was cut or being cut?

Mr. **Weaver**. They are negotiating now on it. We will see whether my cynicism is borne out when they come to their conclusions.

Mr. **Seiberling**. I think this is a fruitless exercise on this point. Let me say that I think that some of the criticisms of the clean water program are justified. But I do not think it is true to say, as the gentleman did, that it has been a failure.

I happen to live on the shores of the Cuyahoga River, which caught fire some years ago. And I will tell you right now as a result of the Clean Water Act and the various efforts by private industry as well, there are fish in the river, it is not flammable. It is canoed and it is a beautiful area. So I do think that you cannot spend $35 billion and not have something to show for it. This is really getting away from——

Mr. **Clausen**. But it is a relevant issue, because it goes to the whole concept of resource management and resources include water and water quality.

Mr. **Seiberling**. I had a couple of questions I was going to submit to the Secretary. But as long as he is here, it will take about 2 minutes.

Protecting the water quality is one of the mandates that is set forth in the original 1879 Organic Act for the Forest Service. That is one of the bases on which you create a national forest.

I do hope that as a result of the rather useful dialog I thought we had today, that there will be an effort to make sure that there is adequate staffing and funds for that purpose.

I am also still concerned, Mr. Secretary, about the concept of—your concept of nondeclining even-flow policy. I get the impression from things you said before, as well as what you said today, that you feel that the Forest Service is supposed to make up the gap so that nationwide there will be an even-flow policy. As I read the National Forest Management Act of 1976, the law says that the national forests themselves shall be managed so that they will be on an even-flow, nondeclining-yield basis. Do you agree with that?

Mr. **Crowell**. I do not agree with that, Mr. Chairman. In the first place, I have not indicated the departure from nondeclining even flow if advocated has got anything to do with trying to maintain an even flow or a sustained yield nationwide from all of the Nation's timber resources. I have said that the coincidence of an accumulation of old-growth inventory on the Pacific Northwest national forests and on the national forests in northern California, perhaps in some other locations, has provided the opportunity to come into the marketplace, and to provide raw materials to mills which will not be supplied to the same extent they have in the past with private timber. But the two issues are really separate.

The motivation for departure for nondeclining even flow is basically that we have an accumulation of old-growth timber which is going to be wasted, it is going to be lost unless it is harvested sometime in the next few decades. I started to explain to Mr. Weaver, but he did not want to hear the example, what I meant by excess inventory.

If you were going to have a forest which is going to be a sustained-yield forest, you have to have an even distribution of age classes of timber. Let us assume that we are on an 80-year rotation in this particular forest. Let us also assume that it has 80,000 acres, so that we would be cutting 1,000 acres a year. And let us further assume that it has a potential yield of 400 board feet per acre per year. That would mean that if you are cutting 1,000 acres a year, you would be getting 400,000 feet of timber each year in perpetuity.

Now, in order to do that, you would have a certain inventory represented by the growing stock aged 0 to 80 years of age. On a forest of that sort, nondeclining even flow makes a lot of sense, because it does result in sustained yield. However, many of the national forests of the Pacific Northwest, we find a great accumulation of inventory far above that inventory which is necessary to sustain in this particular instance, for example, the 400,000 future outturn annually. If we do not harvest that excessive inventory we are going to lose it. Nondeclining even flow would dictate that we not harvest it. And that is the point I am making when I say that we should depart from nondeclining even flow in order to capture the accumulated old-growth inventory.

Mr. SEIBERLING. There may be something to that. But to make sure I understood what you said—that you do not believe that you are required to maintain a sustained yield in the national forests. Is that correct?

Mr. CROWELL. I never said that.

Mr. SEIBERLING. I thought you just said that in response to my question.

Mr. CROWELL. I did not say that. What I said was that quite clearly under the Multiple-Use Sustained Yield Act we are required to manage the national forests for sustained yield. And in order to do that, we need to have a managed forest so that we have an even distribution of age classes that will assure an even flow of timber in perpetuity. It so happens that on some of the national forests, we have an excessive inventory which we ought to be able to utilize. If we do not utilize it by harvesting it, it is simply going to go to waste.

Mr. SEIBERLING. Well, that is of course a different question. In other words, you do believe that the national forests should be managed on a sustained yield basis?

Mr. CROWELL. Certainly.

Mr. SEIBERLING. I have one other question that dealt with your statement on page 14 about anticipating an increase in the land exchange program to ease the impact of the reduced land acquisition program.

In the Salmon-Trinity Alps Primitive Area, there are some holdings of the Southern Pacific Land Co. A couple of years ago, they reached an agreement about making an exchange of those lands for other lands outside the primitive area, and we hope the lands within the primitive area will be included in wilderness under RARE II legislation.

The biggest obstacle to carrying out that agreement, which SP worked out with the environmental groups, is that the Forest Service does not approve of it—or so I was told by former Shasta-Trinity Forest Supervisor Dick Pfilf. Mr. Pfilf is no longer the one in charge there. He has been replaced. But my question is, how do we get the Forest Service to quit just trying to protect its turf in these matters? Otherwise you are going to have a very hard time working out exchanges.

Mr. CROWELL. That was not simply an example of turf protection I am afraid, Mr. Chairman.

What the forest supervisor was quite perceptively recognizing was that he was going to have to give up some of the national forests under his supervision which was under multiple-use management in exchange for some lands for the Southern Pacific which were not going to be thereafter subjected to multiple use. Consequently, there was going to be a decrease in the flow of commodities and amenities from the forest, particularly timber. He has a certain amount of industry that is dependent upon that forest for raw material, and a certain amount of local employment that depends on the flow of raw material from that forest. He was quite accurately saying that the Forest Service would not support an exchange of that sort.

Mr. **Seiberling**. There was going to be a decrease in timber flow from national forestland, but not a decrease in total timber flow, because the land and timber that would be exchanged for the Southern Pacific inholdings would then be available for sale by Southern Pacific Land Co.

Mr. **Crowell**. As I understood it, the land would not go necessarily to the same purchasers who had the dependence on Forest Service timber.

Mr. **Seiberling**. Southern Pacific said they were just going to sell the timber themselves. So the same people could bid on it.

To me, that was a kind of a bureaucratic response. What the Forest Service did not like was giving up land where they could sell the timber in exchange for land that was going to be on wilderness. That is really what the issue was about. But how can you have a wilderness area if it is all checkerboarded with private lands which are developed.

Mr. **Crowell**. You cannot have a very effective wilderness area. I agree with you.

Mr. **Seiberling**. I would hope in that particular case, that you would support—assuming Congress goes ahead and creates that wilderness area, that you would support that kind of a land exchange. Otherwise we will have to appropriate cash to try to buy them out, which also costs the taxpayer.

Mr. **Crowell**. It would depend—you are ending up taking out of production certain land, and if you are thereby going to cause suffering to local employment or to local established industry, I think we would be opposed to it.

Mr. **Seiberling**. It is taking it out of the potential production only. The land and timber have not actually been in the cut base since the 1930's and 1940's because it is in a primitive area, where timber harvest is prohibited.

So that was the issue.

Finally, I would like to ask Mr. Peterson one question.

Max, in your June 5 response—actually it was signed by Doug Leisz, in your name—to questions on S. 842 asked by Senator Wallop you said among other things:

> The RARE II roadless lands have no special statutory status by virtue to their being included in the inventory. The Secretary has complete authority to prescribe management of these lands pursuant to the Multiple Use Sustained Yield Act and National Forest Management Act.

In the end of that response you say: "The provision of S. 842 would strengthen our authority to manage lands identified for nonwilderness uses." If you already have complete authority, why do you need any more?

Mr. **Peterson**. Well, Mr. Chairman, I think we have a situation where we believe we do have authority. We are litigating that question in the California case right now.

We have at least one court in a case there saying that we do not have authority.

Mr. **Seiberling**. The compromise sufficiency language that we worked out would dispose of that issue.

Mr. **Peterson**. I think what Mr. Leisz was saying is that S. 842 would assure that we will not get lawsuits which successfully challenge our authority.

Mr. **Seiberling**. But would not the sufficiency language that we developed do the same thing?

Mr. **Peterson**. For the first generation, yes, sir.

Mr. **Seiberling**. Correct. And for the second generation, the law says you will consider all uses.

Mr. **Peterson**. That is correct.

Mr. **Seiberling**. So what you are doing is saying that you support a change in the law that amends the National Forest Management Act and eliminates wilderness use from any future consideration. Is that right?

Mr. **Peterson**. I think—again, Associate Chief Leisz was responding to a specific question. But as you are well aware the administration has taken a position on S. 842 which is to the effect that, I believe there is a point when we need to quit arguing over the nonwilderness lands.

Someone has stated that those who want wilderness want it in perpetuity by act of Congress, and they want the nonwilderness land to be argued over every 10 years.

Mr. **Seiberling**. But S. 842 states it the other way and essentially permits various Senators to drag their feet and prevent any further legislation on wilderness from being considered, and after a certain point in time it cannot be considered any more. Thus, S. 842, by setting deadlines for wilderness consideration, may be an inducement to filibuster tactics and continued uncertainty.

What we are trying to do is to work out a reasonable compromise on both wilderness and nonwilderness. And I would hope that we can. And I certainly intend to continue to try to follow that course rather than stacking the deck one way or the other.

Mr. **Peterson**. I think both Mr. Crowell and I have stressed our hope that the Congress does resolve the situation, and that we are not still arguing about it 6 or 7 years from now.

Mr. **Seiberling**. I certainly hope so. I would like to see it resolved in this Congress. I am going to make that one of our objectives to the extent I can influence the processes.

I want to thank you both, gentlemen, for your patience and your willingness. And I thank you for the candor of your responses. I believe personally this has been a useful dialog. Perhaps we have educated each other as to our different points of view, and hopefully this will help us reach some kind of a consensus as we work on the issues.

Thank you very much. This hearing is adjourned.

[Whereupon, at 1:15 p.m. the subcommittee adjourned.]

PUBLIC LAND MANAGEMENT POLICY

TUESDAY, JUNE 23, 1981

House of Representatives,
Subcommittee on Public Lands and National Parks,
Committee on Interior and Insular Affairs,
Washington, D.C.

The subcommittee met, pursuant to notice, in room 1324 Longworth House Office Building, commencing at 10:10 a.m., Hon. Jonathan B. Bingham presiding.

Mr. Bingham. The Subcommittee on Public Lands and National Parks will come to order. We welcome before the subcommittee this morning the Assistant Secretary for Fish and Wildlife and Parks, the Honorable G. Ray Arnett. We have had an opportunity to meet with Secretary Arnett previously. Today marks his first appearance before the subcommittee.

The Secretary is responsible for administering many of the programs within the jurisdiction of this subcommittee and I believe it will be useful this morning to participate in a general discussion of the broad range of the program areas and issues that fall within our purview.

The national park system, and issues relating to it, are of great interest to us but we also have responsibilities for programs dealing with historic preservation efforts. Legislation initiated by this committee has also been important in providing for community recreation programs. A number of fish and wildlife programs are also within our area of jurisdiction.

I hope that Secretary Arnett will be able to range across this entire breadth of issues with us this morning. We will also be interested in your goals of your own office as you serve in this capacity, Mr. Secretary, and in the way your staff will be organized to carry out your responsibilities.

You may wish to introduce those members of your staff who have accompanied you here this morning.

I might add that Chairman Seiberling is expected to be here shortly. He was delayed and asked that I proceed with the hearing.

We will proceed this morning by hearing an opening statement from Secretary Arnett after which members will be recognized to pursue questions under the 5-minute rule. At this time I would yield to the ranking minority member of the subcommittee for any opening statement he may wish to make. Mr. Young.

Mr. Young. Thank you, Mr. Chairman. It is indeed a pleasure to have you as chairman today. Excuse me for being out of breath, the elevators work about as well as this Government does, Mr. Secretary, I had to run all the way up the stairs.

Mr. Secretary, on behalf of the Republican side we certainly welcome you here today. I especially welcome you because I have known you for such a length of time, I know your philosophies to some degree and they are parallel with many of mine.

I know the responsibilities you have as the leader in the area of parks and refuges of this great land of ours. It being a fact of life that Alaska has more refuge lands and more park lands than all the rest of the United States put together, I am definitely interested in how they should be managed.

I do believe you bring a breath of fresh air, a philosophy that as I first mentioned agrees with me, that being that the parks and refuges are not only for wildlife and beauty but for people themselves to enjoy, too. So I welcome you here today before the committee, and on behalf of the Republicans, and I am sure for the committee as a whole, I am sure this is going to be an enlightening session.

Again, welcome to this great land of ours, this zoo, as I call it, Capitol Hill. Sometimes I think we should be the refuge and the park, not that which is out in the hinterlands.

Thank you, Mr. Chairman.

Mr. LAGOMARSINO. Will the gentleman yield?

Mr. YOUNG. I yield to my colleague.

Mr. LAGOMARSINO. I thank the gentleman for yielding. I want to join in welcoming Ray Arnett to this committee. I have known Ray for a long time.

Mr. ARNETT. Too long.

Mr. LAGOMARSINO. Fifteen years.

Mr. KAZEN. We won't hold that against you, Mr. Secretary.

Mr. ARNETT. Thank you, Mr. Kazen.

Mr. LAGOMARSINO. I can tell you that while some may disagree with what Mr. Arnett has to say and with some of the actions that he might take, I think they will find that he is a straight-shooter, somebody you can talk to and somebody you have no difficulty in understanding whatsoever.

I am very pleased to see you here, Ray, and I consider you one of my really close good friends and somebody that I have felt very privileged to know over the years.

Mr. ARNETT. Thank you, Mr. Lagomarsino.

Mr. BINGHAM. I see the chairman is here.

Mr. SEIBERLING [presiding]. Thank you. Does anyone else desire to make an opening statement?

Mr. CLAUSEN. Mr. Chairman.

Mr. SEIBERLING. The gentleman from California.

Mr. CLAUSEN. I would offer some opening remarks, but now that you have arrived, Mr. Chairman, I think we can all look forward to the presentation that will be made, and also the response to the questions we have. As you know, Mr. Arnett served the State of California in a similar capacity and he brings to the administration and to this hearing a background that most people believe is a balanced perspective in natural resources.

I certainly want to welcome you, Ray, to this committee.

Mr. ARNETT. Thank you, Congressman Clausen.

Mr. SEIBERLING. I apologize for being delayed in getting here, Mr. Arnett. We have met before. I have great respect for your professional background and your general experience in governmental affairs as well as environmental and outdoor recreation. I am looking forward to your presentation, so without further ado, it's time we heard your presentation.

[Prepared statement of Hon. G. Ray Arnett may be found in appendix III.]

STATEMENT OF HON. G. RAY ARNETT, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, U.S. DEPARTMENT OF THE INTERIOR

Mr. Arnett. Mr. Chairman and members of the committee, as you know, I am G. Ray Arnett, and I am pleased to have this opportunity to appear before you. In my remarks I would like to share with you my general philosophy about government and in particular about my role as Assistant Secretary for Fish and Wildlife and Parks. For your further edification I have also attached to my prepared statement a biography outlining my experience and qualifications.

First, if I may, let me say that I consider it a privilege to serve in this administration whose objectives are the same as all of ours, to build a stronger, better America. Toward that end, I will do my best to help our Nation achieve these goals and carry out what I fervently believe is its unique destiny.

Second, I want to point out that practically all of my adult life has been spent in the field of conservation. I was working aggressively, long before it became popular, to preserve, protect, and promote the wise use of the fish, wildlife and park resources of our Nation for the benefit of all Americans.

Having four children and three grandchildren, I have a vested interest in my lifelong work. We who have enjoyed nature's blessings must leave intact our country's rich heritage of natural areas and wild things. Nothing less will serve this administration's objectives.

Because you have my full résumé to be entered into the record, I will cite only two affiliations, both of which are especially relevant to the new job for which I am being considered. At the request of Ronald Reagan, I served as California director, Department of Fish and Game, during his two terms as Governor of California. For 7 years I administered the largest fish and wildlife agency in any State, 1,500 full time and 600 seasonal employees, and a budget of $60 million. My responsibility extended over a wonderful diversity of wildlife, a coastline of well over 2,000 miles, 150,000 acres of wildlife areas, 400,000 acres of wetlands and a system of parks that covers 1 million acres.

This experience has been invaluable, as California has had, in microcosm, virtually every fish, park, and wildlife challenge that exists in the United States today.

A second affiliation is my 18-year association with the world's largest conservation education organization—the National Wildlife Federation—representing a membership of more than 4 million individuals with an interest in conservation and other issues relating to fish, wildlife, and parks. The federation has its national headquarters here in Washington, but its strength rests on its affiliate organizations in 50 States and three territories, and on its grass roots membership. This has been a sound, commonsense organization and, in fact, in the past, its moderate, balanced conservation policies have earned the respect of Presidents, Congress, and State legislatures as far back as 1936.

Perhaps the most comprehensive statement I could make concerning the philosophy I bring with me to this job is that I believe it to be my responsibility, with the help of Congress and a dedicated staff, to insure for all Americans the use and enjoyment—to the extent that their primary purposes are not violated or impaired—of our Nation's wildlife resources, our 77 million acres of national parks, including 10 national seashores, and our 89 million acres of national wildlife refuges.

But there are a number of other points I would also make. I believe game species of wildlife can be harvested under regulations based on scientific management, without adversely affecting total populations.

I also believe efforts to protect our endangered and threatened species can be successfully conducted in a rational way and not at the expense of economic progress.

I believe the United States can and must continue its leadership role in regulating world trade in wildlife, and in the international protection of waterfowl and other wildlife species that migrate across national and international boundaries.

I believe the States have a right, and a responsibility, to manage their own resident populations of wildlife.

I further believe that we must manage the resources and park areas we already have in a balanced and environmentally sensitive manner, because quality of care is more important than quantity of holdings.

I will search for ways to minimize adverse impacts on natural resources assigned to my care and I will seek to maximize the recreational and aesthetic enjoyment of those resources for people everywhere.

I believe the Interior Department must work with the States in protecting, perpetuating and enhancing those fish, wildlife, and park resources that are of great value to America and the envy of the rest of the world, and finally, over the years I have learned the vital necessity of the cooperation and coordination with sportsmen, environmental organizations, and other Federal agencies and States, to achieve success with land and wildlife management policies and programs.

To summarize, Mr. Chairman, I feel that the job of the Assistant Secretary for Fish and Wildlife and Parks requires as much coordination and cooperation as it does administration. And I further feel that we must never forget that the bulk of our work must be done out in the States, where our wildlife resources and parks are located.

Mr. Chairman, we have a lot of hard work to do in the next 4 years and I look forward to working with this committee as we strive to meet our obligations. This concludes my introductory statement and I am available for any questions you may have.

Mr. SEIBERLING. Thank you very much. The position of Director of the Fish and Wildlife Service has been vacant since mid-January and it is my understanding that a candidate has not been formally selected. Could you give me some idea as to when that job might be filled?

Mr. ARNETT. Specifically I cannot, Mr. Chairman. As you mentioned, Secretary Watt and I had made a nomination of a person who we thought would adequately serve in that job. As you know, the Director's position is a Presidential appointment and we must now wait for the White House to make a selection and then let us know that.

So I am sorry that I cannot answer you as to when that will happen but I certainly hope that it is soon because of the way I have tried to structure my staff. Instead of having staff assistants between the layers of the Fish and Wildlife Service and the Park Service, I have tried to include on my staff the Director of the Fish and Wildlife Service, the Director of the Park Service, and have direct liaison with them.

With that, if I may take the opportunity which I was offered earlier, I would like to introduce those few members of my staff who are here with me today.

First, special assistants are to my right, Craig Potter, and Danny Smith; Rick Davidge is down in Florida now with some hearings on Everglade problems and Big Cypress problems, so he is not here.

Mr. SEIBERLING. Would you give us the background of each of these people before they came to your department?

Mr. ARNETT. Yes, sir. Mr. Potter to my right here is an attorney by profession, having 7 or 8 years of Hill experience. The last of which, I believe, was with Senator Stevens, was it?

Mr. POTTER. Senator McClure.

Mr. ARNETT. Senator McClure, and he served the Senate in other areas, having been on the Appropriations Committee staff and he serves me extremely well. I wish I had known you wanted this information. Maybe Mr. Potter could add to that, for the benefit of the committee.

Mr. POTTER. I could submit for the record a résumé, Mr. Chairman.

Mr. SEIBERLING. That would be helpful, thank you.

[Résumé of James Craig Potter; P. Daniel Smith; and Rick Davidge may be found in appendix III.]

Mr. ARNETT. Danny Smith just dropped me a résumé here which does help. In August 1980 to the present, when I hired him, he was with Congressman Emory, Republican of Maine, as legislative assistant, with responsibilities including House Armed Services matters, Sea Power/Critical Materials Subcommittees, and so on. Prior to that he was with the law firm of Santorelli & Gimmer which is a consultant/lobbyist group. They were counsel to Safari Club International, during the debate on the Alaska lands legislation. Dan is very attuned and knowledgeable in Alaska lands and that is where I plan to use him primarily.

Prior to his work with Santorelli & Gimmer he was with the National Rifle Association and Institute for Legislative Action where he was Federal liaison/governmental affairs officer.

Prior to that he was with the Senate Governmental Affairs Committee, Subcommittee on Federal Spending Practices and Open Government.

Prior to that, 1970 to 1975, he was with Senator Sam Ervin, Democrat of North Carolina. He was his staff assistant and office manager. Then prior to that he was with the U.S. Army for a period of 2 years and he was born in Portland, Maine, and not too long ago, to be honest with you, in 1946. A fine, relatively young, fellow. He has his A.B. in political science and his M.S. from Chapel Hill, N.C.

I think he is a very fine addition to our team. He is a very well-liked individual. He knows his way around on the Hill and I encourage him to spend as much time with you gentlemen as required, and as much as you wish.

Mr. **Seiberling**. What about the others?

Mr. **Arnett**. Mr. Davidge is down in Florida at this time and he is most recently from the National Association of Property Owners having been with them several years prior to coming with me and prior to that time I think he served with Congressman—did he serve with you, Don?

Mr. **Young**. With Stevens.

Mr. **Arnett**. He was with Senator Stevens prior to that.

Mr. **Seiberling**. Was he with the National Inholders Association?

Mr. **Arnett**. Yes; I think that's right. When he came from Senator Stevens, I think he went with the National Inholders Association. I would be happy to make a résumé available to the committee. He was with the Inholders, and the National Property Owners Association. His main interest in his service to the Department will be in the area of land acquisition and park problems.

Mr. **Seiberling**. He appeared before this subcommittee last year and identified himself as managing director of the National Inholders Association.

Mr. **Arnett**. I don't know when he went with the National Association of Property Owners, but that is where he was when I picked him up. I don't know how the time overlaps when he was with the National Inholders or Property Owners, but his later service was with the National Association of Property Owners. So he will be handling parks primarily, along with Russ Dickenson.

Mr. **Seiberling**. I don't think we need Russ' résumé.

Mr. **Arnett**. Yes, Mr. Chairman, I am sure you know him.

Mr. **Seiberling**. We are very pleased with Russ and we know him well.

Mr. **Arnett**. That is wonderful, and we have high regard for Mr. Dickenson's professionalism and ability to get the job done. Although, while Director of the National Park Service, he will also serve as a member of my staff in order to avoid having someone between us.

When we finally have a determination of who our Director of the Fish and Wildlife Service will be, he will also serve in the same way as Mr. Dickenson. At this time, Dr. Gene Hester is serving as the Acting Director of the Fish and Wildlife Service.

Mr. **Seiberling**. Thank you very much, Mr. Arnett.

As you know, the Alaska lands legislation originated in this subcommittee and we were somewhat concerned about the effect of the decision made by the Secretary of the Interior earlier this year substituting the USGS for the Fish and Wildlife Service as the lead agency to develop the various studies in the National Wildlife Arctic Range. As you may know from reading the legislative history as well as the statute itself, we placed great stress, No. 1 priority as a matter of fact, during this period on the study of the biological resources there and the impact of possible oil exploration developments on them. We were particularly concerned with the baseline biological studies.

So it seemed illogical to us to say the least, for the USGS to be substituted for the Fish and Wildlife Service as the lead agency for the studies. I wonder if you could elaborate on the rationale behind that action?

Mr. **Arnett**. Mr. Chairman, this was discussed very thoroughly before the action was taken and the bottom line was essentially that the main purpose of that particular study was to determine if any oil exploration or activities would take place in the Arctic National Wildlife Refuge. Insofar as that was the purpose for the study in the first place, it wasn't to determine the wildlife values there except as they related to the possibility of exploration. It appeared that it would be best to put it over with the USGS. We, at the time of that decision——

Mr. **Seiberling**. That is entirely contrary to the legislative history.

Mr. **Arnett**. Sir, if you let me complete my statement, if I may. The USGS has over 600 people operating in Alaska. The final reporting will have to come from the USGS rather than the Fish and Wildlife Service. We have about 150 or 160 people in Alaska at this time. I have some information before me, anticipating that you may want to know a little bit more about this subject.

There was a March 12 letter that was sent to USGS and the Fish and Wildlife Service from the Secretary and if I may read to you from the second paragraph, it points out the Fish and Wildlife Service shall retain responsibility for preparing the baseline fish and wildlife study required under section 1002(c) and its concurrence shall be required on the regulations. This study is to include analysis of the potential impact of oil and gas exploration on the wildlife and habitat of the study area. The exploration assumptions for that study are to be developed by the USGS and provided to the Fish and Wildlife Service within 60 days.

The need is recognized for a continuing inventory and assessment of fish and wildlife values to evaluate the changing dynamics of the study area ecosystem. That should not impede, however, the preparation of the baseline study. Much data is available and maximum utilization should be made of the data collected relative to the Alaska National Interest Conservation Land Act, the Alaska national gas pipeline proposal and other information that may be available.

The baseline study is to be completed and the findings published no later than December 1981. In view of the environmental nature of the study and the requirements for a formal EIS on regulations, the environmental analysis on the baseline study is unnecessary.

[Memorandums from the Secretary of the Interior, Hon. James G. Watt on Alaska may be found in appendix III.]

Mr. **Arnett**. What I was pointing out was that the purpose of the study in the first place was to determine, if at all whether exploration would be allowed. That is the bottom line. We have the lead responsibility and nothing has been done at all to deter or detract from the environmental uses of the National Wildlife Arctic Range.

Mr. **Seiberling**. How many personnel are assigned to that study from the Fish and Wildlife Service?

Mr. **Arnett**. Russ, would you know?

I'm sorry, I do not know, but I can let you know for the record.

[Editor's note.—The information requested had not been furnished at time of printing. When received, it will be placed in the committee's files of today's hearing.]

Mr. **Seiberling**. I would also like to know whether there has been any reduction in the size of that staff.

Mr. **Arnett**. I can assure you without knowing how many there are that there has been no reduction in the staff. If anything there was an increase. We are trying to beef up the activities in Alaska which were minimal up until recently.

Mr. **Seiberling**. The December 1981 deadline gives you only one summer season between the time the act was passed and the time of your deadline. That seems to me hardly adequate to make the necessary observations for the baseline study.

Mr. **Arnett**. I am confident, sir, if the time is not adequate to be able to do it, we will be able to get an extension. Nothing will go forward, I feel certain, without having very adequate reason to believe that the resources for which we are responsible are cared for.

Mr. **Seiberling**. I am glad to hear you say that. The reason I emphasize this is fairly clear to anybody who followed the long debate that took place on this issue. There was great concern in this committee about allowing any oil and gas exploration in the Arctic Wildlife Range because of the fragile nature of that resource. The compromise was finally arrived at which was that we would allow this 5-year period, and Congress at the end of the 5 years has to have two sets of data; one, some sense of what the oil and gas potential of the area is, more precisely than we have it now although there has been a lot of data gathered by USGS.

And, second, what the likely impact would be on the biological resources.

Therefore, unless we have an adequate baseline, the latter point I mentioned, the Congress won't have the information needed to make that decision and I want to stress that very, very strongly.

My time has expired, and at this point it is logical to go to the ranking minority member of the subcommittee, Mr. Young, who is even more familiar with this issue.

Mr. **Young**. I would say first, and I just don't want to argue with my subcommittee chairman, but this committee did not decide what the chairman just spoke of. This committee was defeated on that motion, in fact, this committee did not report a bill out that had anything to say about the 5-year studies, and so on.

Mr. **Seiberling**. Would the gentleman yield?

Mr. **Young**. No; I will not yield at this time. That bill was actually derived on the floor by what was called and now famous Udall-Anderson bill and it was worked on in conference. But this committee did not vote in fact to preclude exploration work in the Arctic Wildlife Range.

I have great concern with what the Secretary has done. It is, I think, being done correctly. I think it is a correct endeavor with parallel effort with USGS and Fish and Wildlife trying to reach the appropriate decision within an adequate timeframe.

So I will agree with the chairman on that, I want to set the record straight, though, that there was a 1-vote margin difference on a bill called the Huckaby-Young bill that came up, too.

Mr. SEIBERLING. Would the gentleman yield now?

Mr. YOUNG. I would yield now; yes.

Mr. SEIBERLING. I would like to point out that the bill adopted by the House was the bill essentially that we reported out with the minority voting in this committee supporting.

Mr. YOUNG. I want to stress the minority part, that's all.

Mr. SEIBERLING. The minority voted on that issue, and the minority views in the committee report became, in effect, the majority views because theirs was the bill that was ultimately adopted by the House. Of course, there was no conference because we ended up adopting the Senate version of the legislation, but it is clear from the beginning as a result of House action and Senate action that there was great concern for this.

Mr. YOUNG. I am not discussing that part of it. I mentioned the fact that I wanted it clear that this committee did not report that bill out. The House did; the committee did not.

There was a decision at that time, and I do not believe now that the Secretary has done anything wrong. I think the parallel approach, Mr. Secretary, in view of what is being sought to be achieved, will be achieved.

If anybody has read the new Newsweek, you will see that the American people support us overwhelmingly, that is, the idea of finding new oil and to get out from under the dependency we have on oil from across the seas.

The other thing, Mr. Secretary, is the fish and wildlife management program in Alaska. I say this with a great deal of respect, but for the last 4 years there was little thought of management of wildlife. The concept of many of those serving in previous offices and the previous Secretary was not to manage, but to preserve, not knowing that you cannot preserve with appropriate management.

I hope your tenets will have the appropriate management of wildlife on refuges and within the parks with the cooperation of the States, otherwise we are defeating the purpose for which they were set up.

Mr. ARNETT. Mr. Young, I am very familiar with what you are discussing. Alaska is almost a second home to me, as you well know. I had the privilege of first going there in 1946 in the Bristol Bay area.

I think you know that I was involved in the oil activities up there back in the early 1950's and I was instrumental in establishing or helping to establish the national wildlife refuge on the North Slope in exchange for the opening of national petroleum reserve No. 4. As I recall, at that time it was specified in the formation of that refuge that exploration would be allowed and it has been the sense of the Congress over the years, the last 20 years, to preclude that apparently, or at least to question it.

So I am very aware of the problems that Mr. Seiberling refers to. I can assure him that I have as deep concern, I feel, as he does for the wildlife resources in that area and there will be nothing done out of our shop that will be in any way deleterious.

As for your question, Mr. Young, regarding the multiple-use of the refuges, I share that sympathy and sentiment with you. We have every intention to operate the Fish and Wildlife Service under that aspect of wildlife management; that does mean harvest and use.

Mr. **Young**. Mr. Secretary, the only thing I am worried about, and I am not worried about you sitting in that position—and I hope it is for a long time—but Mount McKinley which is apparently going to remain named "Mount McKinley," if you go back through the history of that, that park was established and the people of Alaska, and the people of the United States understood and agreed that activities within the borders of that park would be unchanged, hunting and fishing would be allowed. Through the period of time and through the management concept it has been disallowed. The refuge was set aside in the Arctic Wildlife Range, created under Secretary Seaton, I believe, as a refuge but that exploration and development would be allowed. But we see this creeping disease of breaking down of the word of the Government and it is a strong thing we have to recognize, once we make that deal it should be required that we follow through on it. If I am taking too much time for my State here, I can only say you talk about 77 million acres, and we have 57 million acres in the State of Alaska. We were told that certain things would be done and I hope that you will follow through as we thought they would have, even out of this committee. There was great talk about what would be allowed and what would not be allowed and I just hope the agency now does follow the intent of the law and I am sure they will.

It is not a law that I am terribly happy with but I am sure there is enough leeway to make at least the people that live there 365 days a year, allow them to enjoy the life they have led in the past.

Mr. **Arnett**. I share your concern, Mr. Young, and I assure you that I will do my best to work within the intent of the committee and within the intent of the law and I welcome your input any time you feel desirous of giving it.

Mr. **Young**. You can be assured you're going to get that.

Mr. **Seiberling**. Mr. Arnett, to avoid any possible controversy as to what is the definitive legislative history, may I suggest that you read the Senate committee report and the debate in the Senate with respect to this subject, and you will get a pretty clear impression as to what the intent of Congress was in protecting that resource.

Mr. **Arnett**. Thank you, sir, I shall do that.

Mr. **Seiberling**. If you have time after that, you might read the 300-page minority views on it in the House committee report.

Before we go ahead, I wonder if the people standing in the back of the room would like to occupy some of the front seats up here. If so, you are welcome to do so.

Mr. **Kazen**. Mr. Chairman.

Mr. **Seiberling**. Mr. Kazen, the gentleman from Texas.

Mr. **Kazen**. Thank you, Mr. Chairman. Mr. Secretary, I, too, wish to welcome you before this committee. I haven't had the privilege of meeting you, or discussing any of our business with you but I hope that before too long I may have that opportunity.

Mr. **Arnett**. Thank you, Mr. Kazen.

Mr. **Kazen**. I am very impressed with your background and I think as far as I am concerned, our relationship with you will be just fine.

Mr. **Arnett**. Thank you.

Mr. **Kazen**. Mr. Secretary, one of the fundamental important relationships which must be established between this committee and any department is an open and candid exchange of information. We will rely on your office, sir, and the agencies you supervise for a great deal of factual data as well as for professional opinions. That reliance in turn gives you an enormous influence with this committee because we depend on fully developed factual information from your Department. I hope that we can continue this type of relationship while you're in office.

Mr. **Arnett**. I assure you, Mr. Kazen, that that will be done. I am very proud of both the Fish and Wildlife Service and the National Park Service. As you pointed out, I believe there are highly qualified professionals in those services that are here to serve you at any time that we may and in any adequate manner. I want you to know that your staff is welcome with mine and I with you personally to serve you in any way possible.

Mr. **Kazen**. I appreciate that, Mr. Secretary, because I have just had a little disquieting situation where my office has been in touch with your office downtown, and the information given on the telephone was not the same as came out in writing.

Mr. **Arnett**. I am sorry to know that, and if you give me the incident specifically I can help correct it.

Mr. **Kazen**. This is something I want to go into in detail with you on because it is a subject which is within my district and it is a very parochial matter, and I don't want to take the committee's time.

Mr. **Arnett**. I would be glad to talk to you at your convenience, Mr. Kazen.

Mr. **Kazen**. It concerns the San Antonio Missions National Park. I do want to get with you and the Director to see if we can get this thing off center. We are going to have to have the Solicitor, the Justice Department, and your people in a huddle in order to be able to define the parameters of, "church/state" relationships in order that we can go forward on this.

Mr. **Arnett**. I am vaguely familiar with what you are talking about, Mr. Kazen, but I thought that that had been basically resolved. We had some ladies from your district in to talk with us about a month or so ago.

Mr. **Kazen**. Apparently not, sir, and this is why I don't want to take the time of the committee.

Mr. **Arnett**. I would be glad to talk at your convenience with you.

Mr. **Kazen**. I would appreciate if you give me the opportunity to discuss it with you and with the Director.

Mr. **Arnett**. Yes, Mr. Kazen.

Mr. **Kazen**. I think we have something there that is worth saving and I thank you for your cooperation.

Now, Mr. Secretary, have you reviewed the number of studies and plans that the Department is required to provide this committee by statute?

Mr. **Arnett**. No, sir—have I reviewed it specifically? In general, yes, I have, but in any event they seem to be considerable. I can assure you that those congressional mandates will be met.

Mr. **Kazen**. Will you provide for our record a list of the studies or plans that are now required by law? I have lost track of them, but as you say, they are considerable.

Mr. **Arnett**. That's right.

Mr. **Kazen**. Many of them we have not had reports on and they have been due for a long, long time.

Mr. **Arnett**. I understand that, sir, and I will ask my staff at this time to get that list and make that available to the committee.

[The list of studies and plans requested by Mr. Kazen may be found in appendix III.]

Mr. **Burton**. Would you yield at that point?

Mr. **Kazen**. Yes; I yield.

Mr. **Burton**. It might be instructive to take a look at the required time sequences. Some of the time targets may not have been as efficiently requested as other targets, but speaking for myself only, if you can rationalize the time of these reports in a way that doesn't dilute our desire to get the information that might be very helpful to you. I do recall we have in some cases a series of dates that make really no sense. They tumble one over the other rather than having an understandable target time. You practically have to have a calendar on your wall to see what is due on which date. We ought to try to consolidate perhaps or phase these targets, or at least have some understandable timeframes rather than at the administrative end making it pretty difficult to keep track of all these myriad dates.

Mr. **Arnett**. That is a welcome suggestion, Mr. Burton, and I am glad you made it. We will bring that list to you, as we said, and perhaps, with the help of your committee, we can consolidate some of these and get them into a more meaningful framework.

Mr. **Kazen**. Thank you, Mr. Secretary. I think you will find us very cooperative, with a congenial atmosphere between this committee and your Department. Of course, this committee being what it is, is very vitally interested in fish and wildlife, and of course, our national parks.

As I said a while ago, Mr. Secretary, like many members, I do have that specific interest with respect to Public Law 95-629, section 201 of that law which required that a master plan for the San Antonio National Historic Park be submitted by November 10, 1979. The plan has not yet been submitted. I wonder if you can give me any idea as to when that will be done?

Mr. **Arnett**. May I defer this to Mr. Dickenson? He may know more than I, having been here before my time, and I am not quite that familiar with it.

Mr. **Dickenson**. Mr. Kazen, the outstanding issue that is not resolved is the church/state relationship which, of course, now resides at the Department of Justice. Until that issue is settled, it will be impossible to complete the master plan.

Mr. **Kazen**. Mr. Dickenson, let me ask you this. Has it gone to the Justice Department?

Mr. **Dickenson**. Yes, sir, it has.

Mr. **Kazen**. You see this is one of the conflicts of information that I get out of the Department.

Mr. **Dickenson**. Yes, sir.

Mr. **Kazen**. One person tells me that it is not yet there, and that it will not go there until you people make a decision on it. Now you're telling me that it is before the Justice Department.

I would hope that it is before the Justice Department.

Mr. **Dickenson**. Yes, sir, the issue is before the Department of Justice.

Mr. **Kazen**. Fine, thank you, sir.

Mr. Secretary, thank you, and once again you can count on our cooperation with you.

Mr. **Arnett**. Thank you, Congressman.

Mr. **Seiberling**. I don't seem to have a list of the order of arrival of people on the Republican side, so I am just going to call on people in order of seniority unless there is objection.

Mr. Clausen.

Mr. **Clausen**. Mr. Arnett, you have been on the job now for several months, officially only since the time of your confirmation. I wonder if you could tell us on the basis of your own background and experience in Government prior to the time that you came here, what your current view is as to the principal issues, problems, and opportunities that are facing the National Park Service today. I would like to have a broad overview of your thinking relating to the goals and objectives of the highest priority items, all within the context of the financial or budget limitations that all of us are facing here today.

You have a major task. I think it would be helpful if we gain a perspective from you on the National Park Service's problems and opportunities.

Mr. **Arnett**. Mr. Clausen, as you rightly point out, my confirmation was early, or mid-May, thereby giving me only 1 month or 6 weeks to have officially been on the job. During that time, and even prior to coming to Federal service, I am sure those of us who have had as much of an interest in the conservation area for the last 35 years as I have, have had some ideas of the way the National Park Service and the Fish and Wildlife Service should be run. I am sure all of us feel we can do it better than whoever is there at the time.

I have outlined for myself some objectives for the Fish and Wildlife Service and the Park Service and anticipating that you or someone may ask about that, I did bring that list with me. I will make that available to the committee, and I will just outline them here briefly for you. I am sure they will probably change as I progress through the years and learn more about the job and the problems that need to be addressed.

One of the first objectives for the National Park Service I outlined is to redefine the jurisdiction of the National Park Service in its merger with HCRS into the National Park Service. Within that major goal I have suggested to myself that I should formulate and implement a national policy outlining the Federal role in open space and conservation. I should perhaps also formulate and implement a national policy realining Federal, State, and private sector roles in historic preservation.

I should probably also formulate and implement national recreation policy outlining the roles for the public and private sectors in providing public recreational opportunities.

Now, another major goal that I think is important is to improve the management and operation of the National Park Service, not only from the standpoint of benefiting greater people use, but a better environmentally and satisfying quality of existence of many of these people who make it to the parks once in a lifetime, and then they only see one or two parks. There are very few people, if any, who have ever visited every one of our national facilities. So I feel that when a person takes the trouble and time to do this once-in-a-lifetime kind of trip, it should be a rewarding, safe, and happy opportunity for the individual family. So the management for the National Park Service, directed toward that end, and toward a better expenditure of funds in a more usual way, is probably something we should be looking at.

The third major goal is improvement of the Federal and State relationship so we can have a better understanding, not only in the Park Service but also in Fish and Wildlife, of benefiting these Federal/State responsibilities. I think you know as well as all of us coming from the States there is some animosity toward big brother always going into their area and telling them how to do it.

I hope that we can eliminate or at least lessen that attitude toward the Federal Government when it comes to the various State areas of responsibility, and to let them see that we want to be their shared partners and not necessarily a dictator telling them how we want them to do it in their State.

If that could be accomplished, I think I would be quite satisfied.

Mr. CLAUSEN. With your unique background, having been directly involved in the administrative role in the State of California, you have a perspective from which to determine the rights and responsibilities and then determine what is the actual role of the Federal Government. I perceive it to be supplemental rather than a domineering role, as you have stated. We clearly don't have enough time to go through all the questions I have. There is a tendency for us to be a little parochial in our comments while we have the opportunity to have you before the committee.

As you know, I have two serious problems in my congressional district that are going to be requiring solutions. One relates to the Klamath River fisheries problem. All I want to do is bring it to your attention and indicate that I believe that at some point we are going to have something in the way of an interagency task force established in order to identify and address all the problems in that area. It is a very perplexing and complex situation with all the various jurisdictions of State and Federal agencies involved.

It is a problem that must be resolved. I simply wanted to bring it to your attention at this point and bring in another issue—the Redwoods National Park. I can tell you that it is not a situation that is consistent with the criteria of the national park system. We are plagued with the problem of having underestimated the land acquisition costs. Whenever it comes to getting the funding commitment to facilitate completion of the park facilities we simply find ourselves taking a back seat to the dilemma of the land acquisition itself.

I don't know exactly what the cost estimate is but, as you know, it has been grossly underestimated. On the basis of the latest information that I have it is somewhere in the vicinity of a minimum of $700 million for payment for the second acquisition. The first acquisition, as you know, was just recently finalized and we are dealing with a figure there of some $300 million.

So, overall, the land acquisition costs of the Redwoods National Park are somewhere in the neighborhood of $1 billion.

Notwithstanding that particular dilemma which we find ourselves in, I would hope that we would be able to get a commitment to facilitate development in the park to make it a meaningful park. It was anticipated at the time of the authorization that the park would generate tourist activity that would contribute to the economic recovery of the area. This has not occurred. I can tell my colleagues that the unemployment rate in that county alone is in the vicinity of 15 to 18 percent, much of which has been caused by the decisions made with respect to that park and the impact on the area itself.

Mr. **BURTON**. Would the gentleman yield?

Mr. **CLAUSEN**. I yield.

Mr. **BURTON**. Are you talking about Humboldt County?

Mr. **CLAUSEN**. Yes; that's correct.

Mr. **BURTON**. Prior to the expansion of the Redwoods National Park, I am sure that's when that figure was applicable. I think the record should reflect that point.

Mr. **CLAUSEN**. That is not the case, I would tell the gentleman.

Mr. **BURTON**. I would ask unanimous consent that the figures of the Department of Employment as to the unemployment rate for Humboldt and Del Norte Counties be put in the record.

Mr. **SEIBERLING**. Without objection, that will be done at this point.

[The information referred to above had not been furnished at the time of printing. When received, it will be placed in the committee's files of today's hearing.]

Mr. **CLAUSEN**. It certainly has not been helpful one bit, and we are faced with the dilemma and the problems associated with the acquisition of the park itself now.

Mr. **ARNETT**. I hear you, Mr. Clausen, and I wish I understood the answer as well as I do the question because as a Californian, and, in the department I served, I was intimately concerned with the problems on the Klamath, and if anything they have been compounded rather than having gone away. I don't think we have been able to come up with answers because they are not basically biological answers; there are too many socioeconomic and emotional and philosophical constraints.

I don't know that there are too many, but there are enough where they interfere with the making of a prudent decision. So I don't know how we will wrestle with those, but I know we have to and I look forward to making those decisions.

Mr. Clausen. I did not anticipate an answer. My point was simply to bring it to your attention while you were before the committee, and I will be discussing the idea of putting together an interagency task force to identify and address the problems out there. They are not going to go away.

Mr. Burton. Would the gentleman yield?

Mr. Clausen. Yes.

Mr. Burton. I wouldn't want my cryptic intervention to be interpreted as not supporting that aspect of the gentleman's testimony, to-wit: that if the Redwoods National Park was worth doing and if it is truly one of the world's treasures—as I believe it is, one of the world's treasures—given the context of what the outlays for acquisitions are, certainly there should be some moneys to have the Department able to provide certain accoutrements worthy of this great national park.

Mr. Clausen. I appreciate that. I also would take this opportunity to relate to some of my colleagues the dilemma we face concerning estimates from the Department of the Interior in land acquisitions which are always about one-third of the actual cost of acquisitions.

This is something that is provable. It impacts on the budget and it creates a gross injustice to an area that had anticipated certain recovery and yet we have, as has been pointed out, all these problems. We need to have a simultaneous commitment going forward to provide the opportunity to maximize the economic recovery. The park has to have adequate facilities and not to have them withheld just because of the underestimating associated with the land acquisition. Land acquisition requirements are there, but we have to have facilities developed in order to make it a viable park and a viable contributor to the economic recovery that is so required.

Mr. Seiberling. The time of the gentleman has expired.

Mr. Arnett. I feel, Mr. Clausen, that the Redwoods issue that you have discussed is so very adequately illustrative of the acquisition problems we have had in the past, and is one of the factors that led to the moratorium on acquisitions until we get our house in order and find out where we are going, because those estimated costs associated with land acquisition have proved very troublesome. You have very well illustrated that with the Redwoods.

Mr. Seiberling. Let me ask you, Mr. Arnett, other members will probably want to do the same thing. Is it agreeable to you to supply answers to any written questions the members wish to submit?

Mr. Arnett. Yes; it will be agreeable.

Mr. Seiberling. And they will be included in our record. We will keep the record open for that purpose for a reasonable time.

Mr. Seiberling. Mr. Kildee.

Mr. Kildee. Thank you, Mr. Chairman.

Mr. Arnett, the Department is now involved in a lawsuit concerning land acquisition in the Sleeping Bear Dunes National Lakeshore in Michigan. Would you outline the position which the Department has taken on the court proceedings and the reasons for that position?

Can you also provide for the committee a copy of the Solicitor's opinion which had a bearing on this lawsuit?

Mr. **Arnett**. Mr. Congressman, I will be glad to provide you that information for which you are asking, but I must let you know that I am not familiar with the lawsuit. Maybe Mr. Dickenson can answer that for you in a way that would be helpful.

Mr. **Kildee**. Mr. Dickenson.

Mr. **Dickenson**. If we could, we would supply that for the record.

Mr. **Kildee**. You are not aware of the lawsuit?

Mr. Dickenson. Yes; I am familiar with it but I am not aware of the details of it.

Mr. **Kildee**. Are you aware of the Department's position on the lawsuit?

Mr. **Dickenson**. No, sir, I am not at this time.

Mr. **Kildee**. Can you supply that for the record?

Mr. **Arnett**. Would you give me the name of that area again?

Mr. **Kildee**. It is the Sleeping Bear Dunes National Lakeshore.

Mr. **Arnett**. OK, thank you.

[In response to Mr. Kildee's inquiry, the Department subsequently furnished the following information.]

The Department is now involved in a lawsuit concerning land acquisition in the Sleeping Bear Dunes National Lakeshore in Michigan. Outline the position which the Department has taken on the court proceedings and the reasons for that position. Also, provide for the committee a copy of the Solicitor's Opinion which has a bearing on this lawsuit (p. 55). Information is as follows:

At issue is the claim of landowners who built on the property located within the national lakeshore after December 31, 1964, to rights granted to those owners of improved properties on which construction was begun prior to that date. Although Sleeping Bear Dunes National Lakeshore was authorized on October 21, 1970, the usual rights of use and occupancy were limited to those "improved properties" on which construction began prior to December 31, 1964. Rep. Wayne Aspinall, then Chairman of the House Interior and Insular Affairs Committee, explained, "December 31, 1964, happens to be the date which the people of the area were advised would probably be the cutoff time for some features of this bill. They knew that they were taking a chance if the Federal Government did authorize the Sleeping Bear Dunes National Lakeshore." The United States maintains that the affected landowners do not have a claim to rights of retained use and occupancy under the legislation authorizing the establishment of Sleeping Bear Dunes National Lakeshore.

There is no Solicitor's Opinion on this case. We believe the Subcommittee's inquiry stems from a misimpression left with the park staff as to the reason why the case described above has been temporarily suspended. The U.S. Attorney and counsel for the landowners recently requested that the litigation be suspended temporarily until the Department has had an opportunity to review fully its acquisition policies for Sleeping Bear Dunes as well as other areas of the National Park System.

Mr. **Kildee**. Secretary Watt has ordered an investigation into allegations of improprieties in the way boundaries of some Federal areas have been drawn and has indicated that the investigation will initially focus on five areas including Sleeping Bear Dunes National Lakeshore. What is the status of this investigation in the five areas, and what specifically prompted the Secretary to order the investigation? Why is Sleeping Bear Dunes specifically included in the investigation?

Mr. **Arnett**. In the short time that I have been there, Mr. Congressman, to answer in the order in which you asked them, what the status is? It is in the Inspector General's office at this time. I have not had a status report and I have not asked for one and do not expect one until they are ready to give me a complete report. I don't want a day-by-day updating because I don't want to know that much about it until it is completed.

The purpose in picking those areas, well, if you could see the number of letters that we received from individuals involved not only in those five areas but in other areas of land acquisition as well, I think you would get the sense of the fact that not everybody is favorably disposed to parks, especially those people who have had a declaration of taking or a condemnation and didn't want it. Certain of those areas have been brought to our attention, perhaps more fervently than others because that is where the greatest number of complaints have come from and those five areas mentioned were the areas in which we seemed to have the greatest amount of complaint from the people involved in the taking of their lands.

So there were indications given, and it was very hard to believe in some cases, where they would outline for you examples, the individuals would, of where a line would go along and suddenly jog around somebody's property, someone who knew the sheriff downtown, and these accusations whether true or not—and I know there are two sides to every story—but I listened to those remarks, and when you hear them enough you get the idea that maybe it is worthwhile looking into.

So this was the reason for the investigation, to be sure that any boundaries outlining any park were truly drawn in the best interests of the people of the United States and not for any privileged individuals nor by any personal intent of any individual who may want or not want his lands taken, who, for example, couldn't sell the land any other way.

These are implications that we have been given and we want to dispel them. I hope it all falls no place. I hope it comes back from the Inspector General that everything was done orderly and above board with the intent of what should have been done, and that will drop it once and for all.

We had enough inquiries to the point where we felt it was necessary to make some investigation to find out the truth of the matter.

Mr. KILDEE. Could you supply to the committee the approximate number of letters that you received on the Sleeping Bear National Lakeshore?

Mr. ARNETT. I shall supply that, but I don't have it at my fingertips.

[In response to Mr. Kildee's question, the Department subsequently submitted the following information.]

During the period January 20 through May 15, 1981, no correspondence relating to Sleeping Bear Dunes National Lakeshore land acquisition matters was recorded by the National Park Service.

Mr. KILDEE. Were the letters from a homogenous group or diverse in origin?

Mr. ARNETT. Sometimes they were in the form of petitions; other times they were in the form of just an individual like an instance of a fellow I recall on the Buffalo River. He had this land that they had owned for five generations in the family and it is to go into a national recreation area and he had three-eighths of a mile of his land on one side of the river, and five-eighths of a mile on the other side; it was a pear-shaped tract that went across the river. It seemed we decided we had to take the entire tract, the whole ranch so there would be places for the canoeists to come into the river, and he couldn't understand that. He was a man in his seventies and he and his wife had a couple of milk cows and the bureaucracy just went in and decided to take the man off his land and pay him for it, but where would he go? He has lived there all his life.

It was my feeling that they could have given an easement for the canoeists to go down along the fence, a scenic easement along the Buffalo rather than taking the man's entire property from him for the purpose of a scenic area.

These are the kinds of letters that we got that made it very difficult for me to understand past actions of the Department in declarations of takings and in condemnations.

Mr. SEIBERLING. Will the gentleman yield?

Mr. KILDEE. Certainly.

Mr. SEIBERLING. Usually the decision as to whether to acquire an easement or by fee acquisition are made by the Park Service.

Mr. ARNETT. Yes, sir.

Mr. SEIBERLING. Not by the Congress.

Mr. ARNETT. That's right.

Mr. SEIBERLING. Are you investigating the Park Service itself as to why they made these decisions?

Mr. ARNETT. I think they are investigating everyone who had anything to do with the acquisition of that particular area, the Park Service, Congress, individuals, and I really can't answer that because I have not been privileged to what the Inspector General is looking at. I have not asked for that privilege.

Mr. SEIBERLING. Thank you.

Mr. KILDEE. Are you investigating anything that may be criminal or merely imprudent actions?

Mr. ARNETT. I can't answer that. I have to defer to the Inspector General again. I told them, or we asked for a complete investigation and if anything, naturally, would arise inferring something criminal, I would have no qualms in recommending it go over to the Criminal Division of Justice, because I am going to let the balloons fall where they may.

Mr. KILDEE. You are not excluding the possibility of criminal action?

Mr. ARNETT. No, sir. I hope it never gets that far. I hope it comes in that all these letters and complaints are for naught, or for some individuals that it is just animosity toward the policy of the Park Service, Congress, or anybody else involved that I am associated with.

Mr. SEIBERLING. Would the gentleman yield?

Mr. KILDEE. Certainly.

Mr. SEIBERLING. In supplying the list of the numbers of letters, it might be helpful if we could have a similar list with respect to the other areas that you are investigating.

Mr. ARNETT. Yes, sir.

Mr. SEIBERLING. With identification, if possible, as to how many people are inholders and how many are from outside the unit.

Mr. ARNETT. Yes, sir.

[The Department subsequently furnished the following information.]

Supply the approximate number of letters received pertaining to land acquisition at Cuyahoga Valley NRA, Indiana Dunes NL, Fire Island NS, and Santa Monica Mountains NRA. Identify how many of these letters were from inholders (include letters from Sleeping Bear Dunes NL), and how many were from people outside the units. (p. 65) INFORMATION IS AS FOLLOWS:

During the period of January 20 through May 15, 1981, no correspondence concerning boundaries was received for Cuyahoga Valley National Recreation Area, Fire Island National Seashore, Indiana Dunes National Lakeshore, Santa Monica Mountains National Recreation Area, or Sleeping Bear Dunes National Lakeshore, according to National Park Service Records.

Correspondence concerning the moratorium on land acquisition for this period was received on the following:

Cuyahoga Valley NRA - One letter to Secretary Watt against the moratorium.

Indiana Dunes NL - One letter to Secretary Watt in support of the moratorium and one congressional inquiry against the moratorium.

Santa Monica Mountains NRA - Thirty-four letters to Secretary Watt in support of the moratorium, 12 against the moratorium, 75 letter to the President against the moratorium. Three postcards to Secretary Watt in support of the moratorium, 33 against, 138 postcards to the President opposing the moratorium.

No correspondence was received on Fire Island NS or Sleeping Bear Dunes NL concerning the moratorium.

Correspondence received concerning related land acquisition issues as follows:

Indiana Dunes NL - Congressional inquiry concerning the acquisition of a tract of land submitted for condemnation.

Fire Island NS - Letter to Secretary Watt from landowner who wanted condemnation proceedings against his property discontinued. The case has been tried and a jury award made.
- Letter to Assistant Secretary Arnett from former owners of property acquired for the seashore who wish to buy back their lands. Their request was based on the recommendations in the GAO report on Fire Island NS.

Santa Monica Mountains NRA - Letter to Secretary Watt in support of National Park Service acquisition of Paramount Ranch.

Cuyahoga Valley NRA - Letter from landowners to Secretary Watt requesting meeting to discuss certain issues concerning the land acquisition policy and land acquisition program at Cuyahoga Valley NRA.

Mr. **Kildee**. Mr. Secretary, Secretary Watt said the investigation was the reason behind your memo to the National Park Service requesting information on the five parks. The term "hit list" has been used with regard to that memo. I am not making any value judgments as to whether that should be applied or not but if the memo was not a hit list or had no potential as a hit list, why was only negative information requested in your memo?

Mr. **Arnett**. I would like to reiterate, as Mr. Watt has done, and as I have done on numerous occasions, and I would like to have you understand, sir, that there was no hit list, there is no hit list, and I anticipate no hit list.

Now, that statement has been made numerous times and I don't know how many more times I'll have to make it to get that clearly described to the members of this committee and elsewhere. There is no hit list on any parks. Those particular parks were picked because those were the areas in which I had received the most complaints about their formation. I was asking for legislative and historical information that I was not privileged to have at the time those were taken, having just been there, and so I was trying to get a sense and a feel for the complaints that I was receiving from numerous individuals that were getting to my ear and I asked for that, and I just picked those.

I have been open. That has always been my practice. As I become more involved as a bureaucrat I will learn not to be so open perhaps, I regret that I will not be so open perhaps because when you are open your comments are subject to interpretation.

But those were the areas I was interested in because they received the most attention as far as I was concerned in the letters received.

Mr. **Kildee**. I would just encourage you to be open and be helpful.

Mr. **Arnett**. I kind of get the idea some of these things that go on are what make you a bureaucrat even if you don't want to be one because sooner or later you become afraid to say anything because it is subject to differing interpretations.

Mr. **Kildee**. Don't worry about having to answer questions in various forums, I have been answering questions for things I did 10 years ago.

Mr. **Arnett**. I am sure I will answer this one again.

Mr. **Kildee**. It is part of the territory, really.

Mr. **Seiberling**. The time of the gentleman is expired.

Mr. **Kildee**. Just one additional question, please. Do you have any plans, any desires, or half-formed thoughts for either divestiture, changing of status, or transferring of the Sleeping Bear Dunes National Lakeshore or any of the other four parks mentioned in your memo?

Mr. **Arnett**. I have no desire at all to divest ourselves of anything that the Congress has taken at this point. I do have some desire not to take additional lands of this type if it can be shown that they will not serve the purpose which I feel should be served. I may be overruled on that, too, but I can assure you I have no desire or reason or belief at this time to divest myself of any lands that are in the National Park Service.

Mr. **Kildee**. Thank you very much.

Mr. **Seiberling**. Mr. Lagomarsino.

Mr. **Lagomarsino**. Thank you, Mr. Chairman.

Mr. Arnett, there has been some discussion about this already, but as you know, for many years even though the law does not specifically require it the National Park Service, with directions in part from the Congress, I think, has followed a rather conventional approach for preserving resources, namely, through various forms of acquisition. Do you have any ideas for some different, and hopefully better and more innovative and acceptable, ways for preserving important lands? What can we do that is new and different to get the job done? It is pretty obvious to me that we are not going to have the funds to acquire all of the lands that are now in the system let alone acquisition that may be proposed and accepted in the future. How can we meet this situation in view of all the problems that we have?

Mr. **Arnett**. I share your concerns, Mr. Lagomarsino, and I agree with you fervently that we do not have the money to do the things that need to be done and there is not enough money in the world to buy all the land that we would like to have.

The Congress has made ways available by other than fee acquisition and I really feel that we should examine those much more thoroughly than we have in the past. It always is easier to use the declaration of taking or condemnation or fee acquisition because that is the easiest way to do it. But I am confident there are things such as gifts, scenic easements, and restrictive easements on certain lands that can preserve these values without the Federal Government having to own those lands.

That is a goal to which we are addressing our new land policy we have in the making right at this point in time, a land acquisition policy, historical sites policy, and recreational policy which we are trying to get formulated. I have not been briefed on it. I have assigned the staff to do some of this work and the subject that you bring to our attention is one of the high priorities of trying to acquire these lands, because we feel that there are additional lands in America that certainly need protection and in some way to keep it for perpetuity. We don't believe that with this moratorium, as some people want to assume, that this is the end of the purchase of parks for America. That is not true, that is not the intention. We realize new lands need to be taken for refuges, parks, wilderness areas, historical areas, and that will be done but not in the historic way we have done it because the money is just not available to do it.

Mr. **Lagomarsino**. When do you anticipate that study will be complete?

Mr. **Arnett**. I hope most of it will be done or at least presented to me, by mid-July or the end of July. Naturally it will be a departmental policy and it will have to come out after approval of the Secretary, but I hope that what we are able to develop will receive his approval so that it will be available to everybody as the policy of the Department of the Interior.

Mr. **Lagomarsino**. Will you share that with this subcommittee?

Mr. **Arnett**. We will be delighted to.

Mr. Lagomarsino. I assume you would be willing to work with the subcommittee and the staff in developing and implementing that policy.

Mr. Arnett. Yes, sir, I feel this is one of, if not our most important subject in that area and I want to again express the openness I want to have with this organization and I feel that you don't need to get leaks out of the Department of the Interior, at least from my shop. I think I made this clear to Mr. Seiberling sometime back when we were meeting together, that I am not a plumber who can fix leaks, I would just as soon have the open faucet philosophy. If you want something, ask for it. You don't have to get it through the back door.

Mr. Lagomarsino. One of the perceived problems, but in some cases more than perceived, it's actual, real, is the question of inholdings in the national parks and the policies of the Park Service toward those inholdings. There are complaints from both sides. There are those who feel that inholdings should be abolished. There is also a feeling on the part of the inholders that they have been treated arbitrarily, unfairly, that they don't know what they could do and what they couldn't do.

I think that to some extent at any rate the perceptions of that—whether it's true or not—the perception of that has made it more difficult to acquire some of those properties in the first place and also has made it probably much more difficult to work out some of these other more innovative approaches to preservation of the values we all want to preserve.

Will your policy speak to the inholding question, also?

Mr. Arnett. Yes, sir, it will. I think you perceived the same thing that I did because as the Congressman said, discussing the need for this investigation, it was those same inholders, those same complaints that we received and I am not saying they are true, but they needed looking into and our policy, I hope, will be available sometime soon. I think you know of the workshop that Senator Wallop is planning for land policy and those workshops will be, I hope, informal and open to address. That will be sometime around July 9, if I recall the date. I hope we have some policies that will address some of these subjects by that workshop time.

Mr. Lagomarsino. Thank you, Mr. Secretary.

Mr. Seiberling. Mr. Bingham.

Mr. Bingham. Thank you, Mr. Chairman.

Mr. Secretary, I would like to talk a little bit about concessions policy with you. I noted the Secretary's statements about his belief in the great contribution that private enterprise can make to the park system. In your view should concessionaires be allowed to in effect subcontract the operations that they had undertaken in such a way that they can sit back and take in income and not perform any services?

Mr. Arnett. No; no one should take in income without performing services.

Mr. Bingham. I don't know if you are familiar with the case that has been called to my attention by a New York motor coach operator, but it is a case I have in mind concerning Yosemite Park, Curry Co.'s contract, which provides for a 30-year preferential contract to provide motor coach services in Yosemite National Park.

As I understand the situation now, companies such as this one, Adventours Travel, Ltd., of New York, they bring their passengers in and take them all the way into the park. They used to transfer them to the Curry Co., but they don't do that any more. They actually provide the transportation all the way in but they pay Curry under a so-called lease, or trip lease contract, pay a fee for being allowed to bring passengers into the park.

Curry performs no services, but gets this fee from the coach companies that bring passengers into the park. Are you familiar with that situation?

Mr. **Arnett**. No, sir, I am not, Mr. Bingham. It is brand new to me what you are saying.

Mr. **Seiberling**. Would the gentleman yield?

Mr. **Bingham**. I would be glad to yield, because the chairman addressed a letter to Mr. Dickenson on this subject some weeks ago and I thought it might have come to the Assistant Secretary's attention.

Mr. **Seiberling**. That is what I was going to bring out, and it seems to me that that is a very serious issue that has been raised.

Mr. **Arnett**. It does seem so to me, yes.

Mr. **Seiberling**. Maybe Mr. Dickenson would comment on that.

Mr. **Arnett**. I was going to suggest that if Mr. Bingham was finished with his question.

Mr. **Bingham**. Obviously you are not in a position to comment on it, Mr. Secretary, but I would like to hear from Mr. Dickenson if he can give us an explanation now. But I would also like to suggest that you look into this as a situation which may be typical and may be of a kind that really raises serious questions about these long-term concessionaire contracts where, as I say, the concessionaire may be in a position of becoming a kind of middleman who takes in income and doesn't do anything for it.

Mr. **Arnett**. May I defer to Mr. Dickenson, please.

Mr. **Dickenson**. Thank you, sir.

The concession contracts, Mr. Bingham, provide for the kinds and nature and number of services which will be rendered at each park area. Each park contract is unique to itself. As one of the considerations for many years for providing overnight accommodations, food services, transportation, for example, an exclusive right of operation was built into those contracts, so that the kind of investments that are required can be recouped over the life of the contract. This is precisely what has been done historically in terms of tranportation, in return for the kind of investment required by concessionaires in providing buses onsite to take people on interpretive and sightseeing trips within the park. They have been granted an exclusive right so that any commercial operator who comes to that park in the past would have had to offload their passengers and the people would transfer into concession-operated equipment.

In more recent years the offloading feature has been discontinued and there has been substituted a trip lease feature for which the commercial operator, coming from the outside, would simply rent his equipment to the concession operator as a convenience to the people that were involved.

Nevertheless, the central feature is if you allow a normal competition to prevail in those kinds of situations then the concessioner can never recoup the kind of investment that is required in those short season parks, in the kind of special conditions that prevail there.

Now, the position of the National Park Service at the present time is recognizing the kind of changing conditions that are occurring, that as all of those older contracts expire we are going to go to eliminate that kind of special privilege which the concessioner has operated under.

The number of buses that are available outside, the kind of increases that have occurred in regular tourism and vast commercial operations in the national parks are such that we believe it is no longer necessary in the future to have the kind of exclusive privilege and the kind of concessioner operated transportation facilities within the parks as has existed historically.

So we want to start phasing those out but we cannot do that—we cannot break that contract until it expires.

Mr. BINGHAM. I pursue this only because I think it should be of interest to you, Mr. Secretary, but this was stated to be not an exclusive right but a preferential right and I understand, also, that there is a question as to whether the concessioner has been dividing the fee with the U.S. Government as required by the concession contract.

You speak also of his, the outside bus company, in effect leasing the equipment, but as I understand it they also provide the drivers.

I hope, Mr. Secretary, that you will look into this policy. I am glad to hear about what Mr. Dickenson has said that this type of contract will not be entered into in the future, but it does seem to be a subject that you would be watching closely.

Mr. ARNETT. I am, Mr. Bingham.

Mr. BINGHAM. Thank you.

Mr. ARNETT. I am glad you brought that to our attention. I understand that you wrote the Park Service in an inquiry attempt?

Mr. BINGHAM. Mr. Seiberling has; yes.

Mr. ARNETT. Oh, excuse me.

Mr. SEIBERLING. I would like to add, I would still like a reply to my letter.

Mr. ARNETT. It was your letter to the Park Service, I see.

Mr. SEIBERLING. Yes.

Mr. ARNETT. Yes; we will reply to your letter.

Mr. SEIBERLING. This is a good answer, but we would like to have something in writing.

Mr. BURTON. Would the gentleman yield.

Mr. SEIBERLING. The gentleman from California.

Mr. BURTON. Russ, I appreciate your courage, but Bill Whalen got a few lumps when he talked to the concessioners. In fact, when Bill Whalen—being Mr. Dickenson's immediate predecessor—talked to the concessioners he referred to a great number of Members of Congress including, I think, some official action by our Senate counterpart, with reference to taking another look at the concessionaire policy, and he repeated positions taken by the Government Operations Committee on this side of the Hill. So if you are able to correct some of the deficiencies in that particular inadequacy, I wish you well. I gather, for reasons I don't fully understand, it is considered to be a powerful group, but I wish you well in your endeavors.

How long does this contract have to go? Does anybody know that?

Mr. DICKENSON. Yes, sir. The one at Yosemite runs through 1993.

Mr. BINGHAM. It is a 30-year contract.

Mr. SEIBERLING. Of course, I think at some point we ought to get into the whole question of concession contracts and concession policy and the idea of long-term contracts of that character strikes me as being rather inappropriate in light of the radical changes that have taken place in recent years.

Mr. YOUNG. Will the gentleman yield?

Mr. SEIBERLING. I guess everybody's time has expired. The gentleman from Alaska.

Mr. YOUNG. I would just like to mention on the concession question, one of the reasons they were upset, and I have dealt with a lot of them, is Mr. Whelan made some statements about concessioners having to move their facilities outside of the park boundaries.

I am not familiar with a more classic example than of Mount Rushmore, and Mount Rushmore would not be Mount Rushmore without that concession stand within the park. That's what it's all about, accessibility to the older people, to the younger people, and it is there for you. There was a proposal to move that concessionaire stand outside Mount Rushmore monument area that's causing the concern.

Mr. Whelan's big thing was to leave the park pure, but when we get to the issue of concession policy, I think my own feeling is that the concessioner is there to serve the people but they're also going to have to be in a position to serve them, not to have a policy of that they should be outside of the park boundary, and that's especially true in Alaska where those parks are even 15 million acres, larger than some States here.

Mr. SEIBERLING. We have to move along. I think Mr. Whelan was a little bureaucratic and arbitrary and undiplomatic in his language and that's what contributed to his demise.

Mr. Craig.

Mr. CRAIG. Thank you very much, Mr. Chairman.

Mr. Arnett, it is my pleasure to get a chance to meet you and get an understanding of your background. I am very pleased to see a man of your caliber and expertise coming to the Department of the Interior and to the area that you are going to be responsible for. I am also appreciative of your background, in looking at your résumé and in listening to your comments, of your appreciation for the rights of the property owner.

Mr. ARNETT. Yes, sir.

Mr. CRAIG. That is an issue that in some cases has been ignored. I trust it will not be in your case, nor in the case of this administration, something that is ignored.

Mr. ARNETT. Yes, sir.

Mr. CRAIG. Thank you, Mr. Chairman. I have no further questions.

Mr. SEIBERLING. Thank you. Mr. de Lugo?

Mr. de Lugo. Thank you very much, Mr. Chairman.

Mr. Secretary, I would like to welcome you before the committee.

Mr. Arnett. Thank you, sir.

Mr. de Lugo. It is very enlightening for me to listen to these exchanges. On June 5, the President signed into law the Supplemental Appropriations Act which rejected most of the proposed rescissions for park land acquisition. My understanding, however, is that the National Park Service is still under the so-called moratorium established by the Secretary and no land acquisitions currently are taking place. Mr. Secretary, it is my understanding that by not spending these funds the Department is in violation of the Budget Control and Impoundment Act. Is that your understanding?

Mr. Arnett. That would be my understanding, sir, but it is also my understanding that these funds have been released.

Mr. Dickenson. They are awaiting secretarial signature.

Mr. Burton. Could you say that again?

Mr. Arnett. They are awaiting secretarial signature, but they have been sent to him with the appropriate acquisitions and I think this committee has received that list of approvals for the use of those moneys that were not rescinded.

Mr. Seiberling. Would the gentleman yield?

Mr. de Lugo. I will be happy to yield, Mr. Chairman.

Mr. Seiberling. Could you bring to the Secretary's attention the fact that since June 5, he has been in violation of that act?

Mr. Arnett. I shall bring that to his attention on your request, yes.

Mr. Seiberling. If he does not release those funds, he is in violation of the Act.

Mr. Arnett. I shall bring that to his attention.

Mr. Seiberling. Thank you.

Mr. de Lugo. Thank you, Mr. Chairman. I do have a followup question. I understand a list of priorities were set forth by the Congress as to how these funds should be spent and that list was included in the legislative history on the rescission question during the debate on the House floor and I have a copy of that list before me. Do you intend to follow that list?

Mr. Arnett. Yes, sir, we do.

Mr. de Lugo. Thank you.

Mr. Arnett. Are you talking about the list that starts with the Appalachian Trail and Olympic National Park?

Mr. de Lugo. Yes.

Mr. Arnett. Yes, that's it.

Mr. de Lugo. I identify one here in particular, we have some national park land in the Virgin Islands, and under Remarks it says "Hardship case identified."

Would you explain what a "hardship case identified" means?

Mr. Arnett. Sir, along with those that are in the list we put in, we identified, and it is in the Congressional Record, but for the benefit of the committee, emergency acquisitions and hardship cases are defined as follows: Hardship cases will ordinarily dictate the use of the land and water conservation fund for land acquisition in those instances where failure to proceed with acquisition would result in the loss of a significant and unreasonable amount of financial outlay by the proposed seller or unreasonable deprivation resulting from financial hardship associated with the seller's reasonable expectation regarding the acquisition.

Hardship is defined here as being similar to motions associated with zoning statutes, defining grounds for variances, and would generally mean actions that are unduly oppressive, arbitrary or confiscatory.

Mr. DE LUGO. Thank you very much, Mr. Secretary. I also note that one of your hobbies is skin diving and I want to invite you to come to the Virgin Islands.

Mr. ARNETT. Thank you. I have had the privilege but I would like to take up that invitation again.

Mr. DE LUGO. There is an area there under your jurisdiction on Buck Island, an underwater park, and it is incredibly beautiful and I know you will enjoy it.

Mr. ARNETT. Maybe you can cause a problem there so that I can come over.

Mr. DE LUGO. Oh, I'm always causing problems down there.

Mr. SEIBERLING. Would the gentleman yield?

Mr. DE LUGO. I would be happy to yield.

Mr. SEIBERLING. On the subject of hardship cases, you also include emergency cases as being ones that have a priority, isn't that correct?

Mr. ARNETT. Yes, sir; emergency is defined. Emergency acquisitions will have as their primary objective the avoidance of imminent action resulting from irreparable harm to the land resources in question. Irreparable harm will include, as a minimum, adverse use contrary to specific purposes delineated in the congressional authorizations.

Mr. SEIBERLING. In the Cuyahoga National Recreation Area—incidentally, I know there is $3 million in that priority list that the House included on their rescission action—I know of at least in two cases, where the owner wants to sell to the Park Service but says he has to do something with his land and if he can't sell to the Park Service he is going to try to sell it to a developer. All that will do is increase the cost of acquisition.

I know of another case of a private owner who is desperate to sell, but no one is interested in buying his land because the Park Service has slated it for purchase so he is just in limbo.

I do feel that it is urgent to get those funds released now that the rescission action has been rejected.

Mr. ARNETT. Sir, if you would bring those specific examples specifically to our attention we will look at them and see how they fit into the present situation.

Mr. SEIBERLING. I have brought them to the attention of the superintendent of the park but I will be glad to bring them to your attention, too.

Mr. ARNETT. Those two we will be happy to receive details on, sir.

Mr. SEIBERLING. Thank you.

Mr. Hendon.

Mr. HENDON. Thank you, Mr. Chairman. Welcome, Mr. Secretary. When they're not howling about your boss, it seems a committee of extremists and environmentalists have been attacking your appointment saying it's a conflict of interest to have someone who is a fisherman and a hunter running fish and wildlife. Back home where people believe, as I do and you do, in such a horrible thing as the right to private property and things like that, we couldn't think of a better way to go than to have somebody who has been out there, who has a résumé like yours, and have you in charge of this very important area of our Government.

Who's right, the extremists who want to ban the wearing of cleated soles on our trails saying that these hiking boots—and, Mr. Chairman, I saw you had a pair of these when we were out in Nevada the other day.

Mr. SEIBERLING. Yes; I have had them for years.

Mr. HENDON. You haven't done this, I am sure, but they claim we have crushed vegetation wearing those boots in high alpine meadows that will take 100 years to recover. They want us to go back to moccasins, I guess, if you read their material.

Mr. ARNETT. Or go barefoot.

Mr. HENDON. Or go barefoot, yes. Are these people right or is it the good old boy who's right to believe as they do down my way at least that you're doing a great job and that your boss, the Secretary, is doing a great job and that really we ought not to go to jail for killing a rattlesnake in the Great Smoky Mountains National Park when he is trying to bite us?

Who's right? Can you do a good job with your background? I believe you can, Mr. Secretary.

Mr. ARNETT. To answer your question, I am sure there is some bias in there, but I believe that I am right. [Laughter.]

Mr. HENDON. I think so, too.

Mr. SEIBERLING. Will the gentleman yield? In the words of Robert Frost, "I have been treading leaves all day till I am autumn tired, God knows what color or form of leaves I have trodden on."

Mr. ARNETT. Vibram soles.

Mr. HENDON. But in the words of Bill Hendon, I am tickled with Jim Watt, and it is a good job you are doing, Mr. Secretary.

Mr. ARNETT. Thank you, Congressman.

Mr. SEIBERLING. Thank you.

Next is Mr. Williams, I believe.

Mr. WILLIAMS. Thank you, Mr. Chairman.

I wish the good gentleman from Alaska were still here because I wish not to refer to one of his statements in his absence, but I do want the record to show that some members of this committee believe that Mount Rushmore is Mount Rushmore with or without that little eating counter and gift shop that's located nearby. In my district, we find Glacier Park and part of Yellowstone. Those parks are what they are because of the towering mountains and ice-blue lakes, clear streams and rivers, and the marvelous wildlife, not because of the concessionaires.

Now, the concessionaires are an integral part of our park because they make it easy, somewhat more comfortable for Americans to visit those places. I want to see good concessionaires operating in the parks and for the most part I think the Park Service and the various administrations and the Congress have achieved that.

I want to make the point, too, to the gentleman from North Carolina who is still present, that the National Park Service in Glacier Park puts out a pamphlet, a guide you might say, to those that are going to be walking in that high alpine country. It is not a guide put out by some howling extremist/environmentalist; it's put out by good stewards of the public national parks and it says, in effect "Please don't walk off the trails because you might step on a small seedling tree and it will take 75 years if you break that tree for that tree to grow back." We have literally hundreds of thousands of people on those trails over time and it is important that they stay on the trails and that they not trample Glacier National Park with either moccasins or bare feet or hiking boots.

Now, Mr. Arnett, let me raise again this question of prime controversy which has surrounded the Reagan administration in its first 6 months, that is this matter which centers on the Interior Department and specifically on some of the statements of Secretary Watt with regard to production on the public's lands. That production I suppose centers primarily on the Nation's energy and mineral crisis. You are somewhat familiar with that crisis; because of your background I would like you to address this matter of tradeoffs in fish, wildlife, and parks versus the matter of trying to solve the energy and mineral crisis that faces us.

Mr. **Arnett**. Mr. Williams, the first thing I should say is I don't think it is an either/or situation. I have always been a believer that, particularly in the last 10 or 15 years, which rightly so the developers have become much more cognizant and aware of their responsibilities to the environment, I believe that the technology and the abilities to have this multiple-use concept is practical and achievable in many areas. There are those areas that certainly could not be the subject of that type of development. There are many of our pristine areas of the national parks where there should not be multiple-use. We need the trees, the geysers, and we would like to have the energy from perhaps the geothermal steam production but I don't think Mr. Watt, myself or anybody else would advocate we go in and put a steam well next to Old Faithful.

There are people who don't like this idea of development of our resources—and those resources are there, I believe, to be used by Americans, but I believe that we do have a responsibility to utilize those renewable resources that we can utilize and carefully explore for and utilize those nonrenewable resources in a prudent manner. I believe that can be done, for the most part, without any irreparable damage to our wildlife and fishery resources. I think it must be done in that way, because as I pointed out in other testimony, I do believe the wildlife of America is like the miner's canary, when the wildlife starts to go downhill we are doing something wrong and we better take very close watch, pay very close attention to those things. That is what our Fish and Wildlife Service at the national level and all the many State conservation agencies are very aware of, also, that is what we try to bring to the attention of the Congress in my particular arm of the Government, that when those wildlife resources or fishery resources are being damaged by any kind of environmental or construction or use projects, we feel that there can be ways in which they can be mitigated and that they must be mitigated because it is my belief that our wildlife resources are equally as important as our mineral resources and timber resources. But I do believe that those resources can be used without irreparable damage to fish and wildlife and that's what we intend to try to accomplish.

Mr. WILLIAMS. Thank you, sir.

Thank you, Mr. Chairman.

Mr. SEIBERLING. Mr. Hansen.

Mr. HANSEN. Thank you, Mr. Chairman. I appreciate the opportunity to question the Secretary.

I am from Utah, and as you know the State is naturally blessed with many attractions that bring people to Utah. In addition to Temple Square and the excellent skiing in the State, river running has been found to be a major tourist attraction in Utah.

At this time, I would like to address an area of concern to me, Mr. Secretary. Mr. Whalen recently indicated in a heavyhanded way that there would be no negotiating regarding the use of motorized rigs on the Colorado River. There was no room for compromise was his statement. While I am aware that Mercury Outboard Co. backed down somewhat from its original study indicating that no adverse environmental effects were caused from exhausts from outboard motors, I, nevertheless, believe in the value of motorized rigs. River running is considered the third largest source of income in the State of Utah, and the 33-foot motorized rigs play an important part in attracting tourists on these river trips.

The importance I am attempting to attach may not be understood by some, but to the State of Utah, to the old, to the poor, and to the handicapped, the importance is real. To Utah, river running means millions of dollars in taxes. To the poor, the old and the handicapped, motor rigs mean the "go or no-go" of a trip down the river. River running is not just for the rich who have weeks to spend running the river using an oar-powered rig; it is not just for the fit who do not need to use a motorized craft; it is for all to enjoy.

I hope I have made my position clear. Now I want to hear from you.

Mr. ARNETT. Sir, I hope I am never arbitrary or dictatorial in any discussions or decisions that we ever make without first coming to those people involved, the users and the Congress that is involved in that area without first public hearings and much determination of what should be done before any regulations are made.

I believe that many of our regulations that we have, or one of the reasons that Mr. Reagan was elected to be President was because many of them were made in the way that you described in Mr. Whelan's approach. I have floated twice down the Colorado River and I haven't gotten any specific philosophy to give you at this time because I must honestly say that I have not examined the pros and cons of that determination and the fact that we should or should not use motors.

I am not opposed to motors, I must say, to begin with. I feel that there are places in which they can be a safety factor. We have a fine safety record on that Colorado River, but when you take into consideration life and limb of people and time constraints that the busy American has it seems to me there are very few people that have the time to give to those lengthier trips. I would like to see more people be able to use these resources in an equitable way that would not, as you point out, wear out the river and in any event would not degrade the quality of the river. All I can say at this time is that I would be happy to look into your concerns on that and see if we can't come to some kind of an amicable agreement that will satisfy you and also satisfy the needs of most of the people that will be using that resource.

Mr. HANSEN. Your policy is what now? Would you come out with a declaration either way?

Mr. ARNETT. Would you please state again, sir?

Mr. HANSEN. What is your policy now regarding motors on the river?

Mr. ARNETT. I think the policy at this time—Russ, if you follow me—is that they allow motors on the river.

Mr. DICKENSON. Yes; we have both motors and others now, Congressman, and we are going through a reexamination with the public and concerned special interest groups to see what the future policy should be.

Mr. HANSEN. Thank you very much. I would now like to address a question concerning the Capital Reef National Park. A number of ranchers have expressed concern to me that they will be prohibited from grazing in the Capital Reef Area after grazing has been permitted for many years. I don't want to side with any one special interest group, but I would like some word from you on this. May I contact you at a later date to discuss this?

Mr. ARNETT. You may, but maybe Mr. Dickenson can answer because I don't have a specific answer on that particular one.

I think it had to do with ranchers fearful of buying additional land up on the rim; is that correct?

Mr. HANSEN. I believe the ranchers are concerned that they will soon be excluded from using BLM land at so much per head that they have been using for some time now. As I understand it, the BLM has plans to push back the perimeter approximately 50 miles or so, thus eliminating grazing area to ranchers.

Mr. ARNETT. Russ, can you give a brief answer on that?

Mr. DICKENSON. As a part of the legislative history regarding the creation of Capital Reef National Park it was understood that the grazing that existed within the boundaries would be phased out. That is the kind of process which is underway here now. But there is no plan to extend beyond the presently authorized boundaries.

Mr. HANSEN. That appears to be the area of concern to ranchers. Where does the present authorized boundary lie? How far does it go?

Mr. DICKENSON. I don't have that.

Mr. HANSEN. I will probably have to talk to you individually about that.

Mr. DICKENSON. You will have to get a map on it.

Mr. HANSEN. Capital Reef is per se a small area. I think possibly the issue is that many of our local people fear it will be extended out and they will be pushed out.

Mr. ARNETT. If I may invite you at your convenience to set up a meeting I will be happy to bring our people over to discuss that specific issue with you.

Mr. HANSEN. I appreciate that. One last point, Mr. Secretary. You indicated that you wanted to improve relations with the State fish and game people. What are your feelings regarding current relations with the State fish and game agency?

Mr. ARNETT. I feel our relations are terrible. I think one of the things that brought that about is—and I am speaking with another hat on, as a State fish and wildlife person now—there has been the belief that many of the resident wildlife seem to be suffering from Federal management of those areas—the marine mammal legislation being a good example. The Alaskan people have some very different ideas about the management of the indigenous species to their State like the polar bear and the walrus, for example. There has been a serious erosion of the cooperation between the State conservation agencies and the Federal Government. I would like to see if we could bring that back into stead because I feel that the biologists who work for the U.S. Fish and Wildlife Service and those who work for the States of America come from the same schools, have the same basic background, and are all striving for the same ultimate goal—that is, to preserve and restore, perpetuate, and enhance our living wildlife resources and there should not be this seeming divergence and splitting apart and these differences of opinion that seem to go so deeply between them.

I hope to be able to work with the International Association of Fish and Wildlife Agencies which is essentially the organization that represents the organization of the States in America and their conservation agencies within those States, and our Fish and Wildlife Service, to try to bring back the confidence that I feel is needed. We in the Federal Government need those States in an important way. That is where the wildlife resources are, in the States, not in the Interior Building in Washington, D.C. They are out there in the States and we have to be able to work with those State fish and game agencies on an amicable basis and cooperative basis to do the things for all of America that need to be done. That is, preserve and enhance these resources.

Mr. SEIBERLING. The time of the gentleman has expired.

Mr. HANSEN. Thank you, Mr. Chairman. I appreciate your responses, Mr. Secretary.

Mr. SEIBERLING. The gentleman from California.

Mr. BURTON. Thank you. When did you go to Southern Cal, Mr. Secretary?

Mr. ARNETT. Same time you did, John, we were on the other side of the road then, too, 1945–47.

Mr. BURTON. In some respects we have some parallel kinds of biographies. By and large I have good vibes about you, and being an optimist I think that future events will confirm those vibes. I gathered today when I was out of the room that you confirmed the fact that you looked into five units of the national park system to see whether there was some hanky-panky in setting boundaries. As chairman of the National Parks Subcommittee the last 4 years, when in doubt we tried to provide the maximum area of protection. In the course of the legislative process, if you choose to get something done, rather than have a proposal the way you wish, you sometimes take amendments that may be well-advised, or may not be well-advised, in terms of reducing the size of an area.

There are occasions when you exclude a parcel or an area just in order to get the bill enacted. I ran into this in a unit of a park, the

Golden Gate National Recreation Area which you are familiar with, where we had some ranchers who clearly declared their desire to be within the boundary and we had some that resisted being within the boundary. As time moves on people can change their minds and they do, and I woke up with a piece of property I had had my eyes on in terms of resource protection right next to a certain ranch and I wanted to include this ranch, but I didn't because the conventional wisdom in the community was that this particular rancher wanted to be excluded. I was thoroughly delighted to learn that he was furious thinking his neighbor was included and we didn't include him, too. Needless to say, I didn't take very long to reinclude this ranch. We didn't want to push these ranchers any further than they felt comfortable with. In this particular area we have had enormous community support and we didn't want to proceed at a pace that would diminish, if you will, the rather universal appeal of the areas included in Point Reyes National Seashore and other areas. So this effort on our behalf to decide which properties are within or without is somewhat a function of perceived desirability and willingness of landowners to be in, and somewhat an absolute function of a colleague saying, "Look, I don't think that piece of property should be in and if it is in I'll resist or fight the bill."

I am looking forward with interest to see the results of your study.

I don't know what in heaven's name could be the problem with Santa Monica because we had a broad target map there and the Park Service and the professionals were to redesign this map rather than having a narrower map. It was decided that, in support of our colleagues, Barry Goldwater and Bob Lagomarsino, for better or worse we would accept their map. The environmentalists wanted a smaller one but they wanted a larger one with an overall management plan to see which areas should be more specifically targeted for land acquisition.

If you are looking into what is in or out of Santa Monica, the national recreation area down there, I don't know what you can find because we have been waiting for some several months now for the general management plan that was supposed to be forwarded by the preceding administration but hasn't.

Can either you or Russ Dickenson give us the benefit of your estimation of when we will get that management plan?

Mr. ARNETT. The last features I saw on those—Russ, would you refresh me on the percentages that we were talking about that would be in Federal ownership, what would be in State and what would be in private within the confines of the Santa Monica area?

Mr. BURTON. I will get to the policy next, but first address the general management plan, if you would.

Mr. DICKENSON. First, sir, the anticipation is that with the departmental initiative now and looking at alternatives to fee acquisition that we need to take a fresh look at Santa Monica in light of these new administration initiatives. So there will be a delay getting the general management plan under those circumstances. But it should not be taking all that long a time, perhaps in the neighborhood of 2 to 3 months to go back and go over it and see if there is some adjustment in the previously planned 29-percent fee acquisition, for example, 44 percent which was designated for State administration, and the balance which would remain in private ownership under appropriate easements and other land use controls.

So what we will have to do is as quickly as possible perhaps in a 2 to 3 months timeframe is to re-examine those percentages and see if that 29 percent can be reduced.

Mr. BURTON. Is that 2 or 3 months from today?

Mr. DICKENSON. No, sir, it will be from the time that the final departmental policy is articulated.

Mr. BURTON. In which respect? Which policy?

Mr. DICKENSON. The policy described by Assistant Secretary Arnett this morning, which the Secretary is anticipated to deal with either in late July or early August.

Mr. BURTON. So it would be another 2 or 3 months after that point in time if that earlier target date is achieved?

Mr. DICKENSON. I think it is fair to make that assumption.

Mr. BURTON. Could you sit at the table, too, Russ?

Now, Ray, one of the inevitable problems we have, taking Santa Monica again, is that property values are increasing potentially at the rate of 20 to 30 percent annually, far faster than the rate of inflation, because this is the last open space in this area of upward of 8 to 10 million people. If we have a delay of 6 months in acquisition, you are talking about increases in costs there of perhaps 15 percent and you can quantify this by month, maybe 2.5 percent every month, and that gets to an earlier point that you made and that is the point of inadequate land acquisition for a given area.

I am under the impression that these estimates are arrived at by professionals, reviewed within the Department and targeted at the fair market value as determined by professionals that survey the area.

Now, Russ, is that correct?

Mr. DICKENSON. That's correct, sir.

Mr. BURTON. And that is a standard practice, is it not?

Mr. DICKENSON. Yes.

Mr. BURTON. Within the Department it is?

Mr. DICKENSON. Yes.

Mr. BURTON. It is not a political estimate, it is a standard professional estimate; is that correct?

Mr. DICKENSON. Yes, that is correct.

Mr. BURTON. Now, the real dilemma we have is that to the extent you delay funding so that lands within the boundaries of a park can be acquired, to that extent you increase the costs. So it is inherent in the nature of things that when any administration comes in with little or no requests in the way of funding for land acquisition you are going to have an inevitable increase in cost, for example, in Santa Monica. By this rough estimate if we delay acquisition of properties to be purchased, then this delay will produce an increase of about 30 percent over this year in the cost of acquiring those lands that could have been acquired October 2, 1980—if you don't acquire them until September 30, 1981—at least on the average that will be your experience.

So it is inevitable that some of these estimates are going to overshoot the mark. Now, we provided as I recall, and I wish Bob Lagomarsino were here, a time frame within which the land would be acquired. Is my memory incorrect on that? My whole point, Ray, is that you are stuck with an overall budget constraint, and you may or may not be stuck with what I view to be misbegotten potential policies and I freely predict they will be reversed, to wit, the land acquisition program.

It is self-evident that this committee, on the minority side as well as the majority as well as the Senate as well as the Appropriations Committees on both sides, have in effect said we disagree with the administration's policy on land acquisition, we think it is pennywise and poundfoolish. There has not been an instance where any of the committees that have responsibility in this area have signed off on the administration's proposal.

Rumor has it that at one time the administration was circulating in terms of this new latter day budget quarrel, policies on which the minority members on this committee wrote the administration saying, "Hey, you're disregarding what we have done." You know, we are Members of Congress, you're the Executive, and among other things I gather there was some thought of deauthorizing land and water conservation funds or providing no funding or this $45 million emergency funding, and that of course has been clearly rejected by Congress.

I don't know really how you feel. I don't want to put you in granite. I would rather operate on the optimistic prospect that circumstances will alter and that this very miniscule part of the national budget will be funded, not at the level I would prefer, but at a level that our overall budget constraints allow for this miniscule part of the national policy objectives. But in the interim, I would observe that when we have cost estimates, if you delay the time of acquisition you will inevitably increase the costs of these programs.

Just one or two other points. I am delighted that the Senate is having a hearing on examining in detail the various methods and cost-effectiveness of land acquisition or protection for resources. This committee had a 2-day session in that respect and it was very informative and very helpful and I hope you will have your key people at this meeting, Ray, because there is a good deal that could be learned. One of the things I suspect you will learn if you don't know it already is the desirability of working with the nonprofit groups who are less of a cutting edge in dealing with property owners and almost invariably get these lands at a lower cost than we do. Once you are impressed with that, as I was, you then might be impressed with the viability—and I mentioned this to you before privately—of picking up their options and replenishing these limited amounts of their outlays to let the private nonprofit sector do part of the work that will really help fill in some of these gaps until your policy gets settled.

Mr. Chairman, I have spoken a little over my time. I did want to convey my best wishes for a successful career to the Assistant Secretary, and I want to point out that if we had had full funding for the Land and Water Conservation Fund, the disparity between the estimates of acquisition and the real costs of acquisition would have been reduced enormously, and to postpone it only guarantees those estimates are going to be out of whack.

Mr. SEIBERLING. The time of the gentleman has long since expired. Let me add a footnote, however, by saying that in Cuyahoga

National Recreation Area the Park Service is presently, by your moratorium, prohibited from even accepting donations of land. There is one land owner that is prepared—and it is all negotiated—to donate $2 million worth of land and the deal is already accepted except the Park Service can't do anything. That is one of the most foolish and costly and unwise things, I think, that's been done in recent years and I think it is very, very important that the Secretary end that moratorium now that he is violating the law.

Mr. BURTON. There is one other question I wanted to ask, Mr. Chairman. Ray, is it a consequence of you looking into these areas that all the files are locked up in effect, and that therefore land acquisition is indirectly precluded because these files are, for lack of a better way of putting it, in quotes, "under lock and key?" Is that the inevitable consequence of you looking into these five areas? Because there has been speculation that that which might not have been able to prevail directly might be indirectly achieved by saying we want to look into these matters because there are some terrible things that went on. The land acquisition was done initially by the Corps of Engineers and not the Park Service, I would observe, in Cuyahoga. But because of this we are going to lock up the files and therefore indirectly preclude anything moving ahead because the necessary information for transfer of ownership et. al., are no longer available? Is that the case? Not intentionally, but is that the result?

Mr. ARNETT. I believe you are probably right to a degree but you know the moratorium, I must admit, Mr. Congressman, has been difficult but it has really provided an opportunity for us to review the need for a balanced assessment. I cannot disagree with the rationale that you have given about delays on land purchases that could have gone on, in California in particular, but in any State in America, that there has been an increase in land costs.

But we are desirous of trying to find ways to get this needed protection that the Congress and the people of America want in something short of fee acquisition.

Mr. BURTON. Let me interrupt you there. We have broken our backs on land exchanges and the rest. You have several land management agencies. I defy you to get the BLM that owns inholdings in California parks, to work out something where the BLM will let California get the inholdings of the BLM land in a State park so the State can give the National Park Service its inholdings. It is irrational, the system we have, but nobody to date has been able to successfully lick this incredible territorial impasse, not only the three or four Federal agencies, but also the State agencies.

Mr. ARNETT. You're right, sir.

Mr. SEIBERLING. We are making a shambles of the 5-minute rule, and I think we better recognize Mr. Vento.

Mr. VENTO. Thank you, Mr. Chairman.

Mr. Chairman, it is very interesting to sit here and listen to Mr. Arnett and some of the members of the committee but the point is, of course, there are a number of specific responsibilities and clearly I think that the Secretary, in terms of presenting his views to us, has a rather expansive view with respect to the authority or at least to what generally the law means.

Obviously most of those views of expansion of authority have ended up in court in the past, and I am pleased to note that in some of these instances at lease prominent instances, the court has taken the narrow view. So if you want to change policy you have to come back and look for amendments before this body. I guess that is the concern. If there is a rescission that is defeated we would like to see the law implemented. I don't for a minute accept the contention that there has been any benefit in terms of looking at balance while there has been a moratorium. That could have been done without the necessity of a moratorium. I don't think that that is necessarily a positive defense of the moratorium in terms of proceeding with implementation of the law in an efficient way and purchasing the land where it has been negotiated and so forth.

One other concern, just recently, the National Law Journal noted a modification to the Endangered Species Act which will redefine, apparently, or re-write by rule and regulation the term "harm" of a protected species. The article indicates the effect of the greatly lessened protections of the Endangered Species Act so it would not be read as precluding activities detrimental to the habitat of protected species. Mr. Arnett, is such a revision being considered, and what is your role in it, if any?

Mr. ARNETT. My role is to review it after it has been decided, or at least brought to me for decision, and I am vaguely familiar with the fact that that has taken place, to redefine "harm" because it has not been well-defined. People have not quite understood what harm is. Maybe I could ask Russ if he is familiar with this writeup. Russ?

Mr. DICKENSON. I am not really familiar with the writeup.

Mr. FIELDING. I am familiar with the fact that they are reworking the definition to take care of some innocuous instance of people that might harm some endangered species, but it will not impact the definition other than that. I think that is the problem, making that definition.

Mr. ARNETT. So that in an unintentional harm, there will not be——

Mr. FIELDING. The person will not accrue a penalty by bringing about that type of situation.

Mr. ARNETT. Did you understand, Mr. Vento?

Mr. VENTO. I don't know, I guess I am a little confused as to how you differentiate unintentional and intentional harm. I don't think your answer at this particular point is definitive enough for me to make a judgment.

Mr. ARNETT. I don't think it was a definitive answer, so perhaps what I should do is try to get you a better definition of that, try to clear that up.

Mr. VENTO. I hope you will look at it and make that clear.

Mr. ARNETT. I shall, sir.

Mr. VENTO. If we are going to clear this up, we ought to go ahead and do so and not have a weakening of the act. The effect to some extent would be so that, for example, you shot the duck, you did it accidentally, it is an endangered specie but that is all right. Is that it?

We know there are those types of careless duck hunters or careless folks out there in the environment, but that should not be encouraged. I hope we take a closer look at that before we rewrite that law. If you think there is a necessity for some changes, for reasonable changes, I am sure the Congress would be receptive to your recommendations.

Mr. Secretary, we have earlier talked about the concessioners. This is a concern. I listened somewhat in wonderment at the response of some of my colleagues. After all, I don't think our national parks are for the concessions enhancement; on the contrary, the concessionaires are there to enhance the utilization of the parks for the public. Any park is used by just a small area devoted to the concessionaires, and the park is really for preserving the type of resource that is there. But we have a number of proposals coming forth now in the area of concessionaire contracts. The new Yellowstone prospectus would waive the franchise fees, amount of investment, and other major contract features, all of which is a significant departure from the normal concession contracting procedure.

How do you explain this? What is the necessity for the lengthened contracts of 20 or 30 years? To me they seem to be adequate. I think we would be served by a definitive response. I don't know what cases will be made for a longer contract than that. How does this sit with coordinating plans in terms of management of the parks from your perspective, or that of Mr. Dickenson, perhaps I should ask?

Mr. ARNETT. I think that better be given to Russ, for your benefit, Mr. Vento, because I am sure he would be able to respond to it more clearly than I.

Mr. DICKENSON. This prospectus that is currently being advertised is going to consider all offers, Mr. Vento. The kind of creative prospectus that is out does not allow the concessioner to dictate the terms of the contract but to relate the amount and kind of capital investment that would be required to a period of recovery. That will vary from company to company and from offeror to offeror. We are inviting the broadest kind of response to this without having a preordained fixed Government position at the outset.

In other words, we are not dictating the terms of the contract. The feature regarding the franchise fee is an innovation but it will permit the use of those franchise fees to be plowed back immediately into the rehabilitation and the refurbishment of those facilities which is in the public benefit, we believe. At the present time all of the franchise fees which are collected from all concession operations throughout the United States total about $5 million and they are turned into the general fund of the U.S. Treasury and they are, therefore, unavailable for direct application to concession operations.

We believe that is a very positive feature and one that will set a pattern for the future.

Mr. VENTO. It is an interesting pattern. Currently, in other words, those $5 million you have, you don't have to make the decision upfront on the improvements to be made?

Mr. DICKENSON. Mr. Vento, yes, that's correct.

Mr. VENTO. I see.

Mr. SEIBERLING. The time of the gentleman has expired.

Mr. VENTO. I would ask unanimous consent to proceed for 2 additional minutes.

Mr. **Seiberling**. Without objection.

Mr. **Vento**. Mr. Chairman, thank you.

In other words, you would be getting back different proposals. Won't this bring in a great deal of subjectivity in terms of making a determination as to the type of bid that is put before you? In otber words you are really comparing apples and oranges, and not the same type of a contract.

Mr. **Dickenson**. We have an unusual situation at Yellowstone. Most of the facilities at Yellowstone are federally owned. The interest of the former concessionaire was purchased with appropriated funds about 2 years ago for about $18.5 million. But there are additional demands on the Federal Treasury or from some source to bring those accommodations up to a reasonably operable standard. That is estimated at approximately $70 million. That has to come from somewhere. What we are suggesting through this prospectus is that one of the larger operators in the country might be willing to make that kind of investment over a period of time there in Yellowstone.

Mr. **Vento**. Mr. Chairman, I yield back the balance of my time.

Mr. **Seiberling**. Thank you.

Mrs. Byron has been sitting patiently.

Mrs. **Byron**. Yes, and I was fearful that I was going to freeze here before I was able to get a question off. Let me take one thing that concerns me. I have noticed that the Forest Service has already started to obligate their funds after June 5 and that has been well covered today, the fact that the Park Service is a little behind. I will trust in your statement that you will see what you can do to start moving to get the Park Service to obligate some of their funds as quickly as possible. One of the suggestions Mr. Watt made when he was here was on a land exchange, and I think the chairman discussed the donations on a property in his area. But one of the things that concerns me is the fact that the majority of Federal lands are in the West and a majority, or a large portion of the lands required for park acquisition, are in the East. Do you have any thoughts on how transfers or exchange programs would work to address that situation?

Mr. **Arnett**. We recognize that problem, Mrs. Byron, and it is going to have to be, as Mr. Burton pointed out, a matter of getting rid of some of this turf battle, changing legislation to allow things of that type to happen where they can exchange lands outside of the particular State. We know that is not going to be an easy problem to approach. We do not even know if it is solvable, but we feel that it is one that is worth an examination to determine if something can be done. I recognize very clearly what you are saying. The lands in the West and the lands in the East are not equal as far as their public domain goes.

Mrs. **Byron**. Also the fact that unless you are dealing with a large corporation, for example, with respect to the Appalachian Trail in the East, where you have a large corporation that owns many parcels left to be purchased and they can see it would be in their interest to exchange lands in the West, that's a possibility. However, when you are talking about individual land owners who have a smaller parcel for exchange in the East, I think there will be obvious problems there.

Mr. ARNETT. Yes, ma'am, it will not be easy. I don't have any answer for you. I don't know how it will be done. We are in the process.

Mrs. BYRON. Nobody ever has an answer for any of my questions.

Mr. ARNETT. But it is a very, very difficult one.

Mrs. BYRON. Thank you, Mr. Chairman.

Mr. SEIBERLING. Thank you.

First let's see what these bells are all about. We have House Joint Resolution 61, adoption of the rule to consider H.R. 1257, National Aeronautics and Space Administration authorization for fiscal year 1982. I guess most of us will want to go over and vote.

Mr. Arnett, what's your schedule?

Mr. ARNETT. It is at your convenience, sir.

Mr. SEIBERLING. I have a few more questions I would like to ask you. Maybe I can get them out of the way before we have to vote.

One of the problems facing the national park system is, of course, the number of personnel has been going down while the number of parks in acres has been going up, and going up significantly. The Department has listed as one of its highest priorities the improvement of the National Park Service and one of the best ways to improve is to staff it adequately. Yet, the administration is only proposing modest increases in personnel. With the Youth Conservation Corps and Young Adult Conservation Corps reductions there will probably be actually less people to work on maintenance in the parks. If I am wrong about that, Mr. Dickenson, I hope you will correct me.

Won't there be a net actual loss of people in your Department?

Mr. DICKENSON. That's right, sir. With the phaseout of the youth programs certainly it will be an impact.

Mr. SEIBERLING. So, does the Department recognize this and if so what do they plan to do about it?

Mr. ARNETT. Yes, sir, we do recognize that and we also recognize the restraint that we have on us financially and we realize that a lot of these problems, hopefully, will be resolved as the economy of the country perhaps gets better to where we can address that problem of hiring additional people to do the work. We know we can't do all the work without the people so it has to be on a priority basis and then attack those areas that need the most attention first.

Mr. SEIBERLING. I certainly hope that that will be addressed as soon as possible because this is not a large chunk of the Federal budget, but in terms of what it does for the people it is very, very important.

Now, Mr. Arnett, do you agree with the philosophy that was first enunciated by President Nixon and Secretary of the Interior Rogers Morton of putting parks where the people are?

Mr. ARNETT. I believe parks are for people but parks and recreation areas—is that what you are talking about?

Mr. SEIBERLING. Yes.

Mr. ARNETT. I don't necessarily have the same feeling that Mr. Nixon may have on that. I did not agree with him on everything anyway, nor did I Rogers Morton.

Mr. SEIBERLING. Neither did I but in fact I voted to impeach Mr. Nixon, but nevertheless, he wasn't wrong all the time.

Mr. **Arnett** You probably agreed with him on that subject, but I question, sir, the role that the Federal Government should have in providing recreation. I adhere perhaps to the old philosophy of the purpose of a park and that was to save those historical and national wonderlands and I don't disagree that recreation is a very important part of America's lifestyle but I do question the degree to which the Federal Government should participate in that.

Mr. **Seiberling**. I can only say this: You started this hearing by pointing out that some people would only get to a national park maybe once or twice in a lifetime, some never. It does seem to me that if we are going to spend large sums of money to maintain national parks that the people who cannot afford—and this would include millions and millions of people—to go to the Yosemite Parks and the Grand Canyons should have similar opportunities. There are many people who cannot afford to make those long trips with the big investments who ought to have a stake in the national park system, provided there are units of sufficient national character where they are located.

Furthermore, you mentioned that it is important to work cooperatively with the States, and yet, the administration proposes to abolish the land and water fund, the State side of the fund. It seems to me there are inconsistencies here.

Mr. **Arnett**. They may seem that way, sir, but you know I was surprised we didn't receive from the States nearly the amount of flak that I thought we were going to receive in that particular case. Many of the States came to us and suggested—individuals within those States—suggested that by not having that land and water fund available to them it puts them in a much easier position to try to get the funds they needed to match those.

Mr. **Seiberling**. All I can say is Congress certainly got plenty of flak and that's one reason why——

Mr. **Arnett**. Why we're hearing from you?

Mr. **Seiberling** [continuing]. Why it is we don't go along with the administration's suggestion. I will have to recess this for 15 minutes and then come back and I hope to finish this in a few minutes after that.

Mr. **Arnett**. Yes, sir, we will be happy to wait.

Mr. **Seiberling**. Thank you.

AFTER RECESS

Mr. **Seiberling**. Mr. Secretary, if you would like a coke or some other form of refreshment—it has been a long morning, I know, and we would be glad to supply it. I don't mean to imply it's going to be a lot longer.

Mr. **Arnett**. No, thank you, the water is fine. Thank you for the courtesy.

Mr. **Seiberling**. Some of us are concerned with reports of conflicting statements with regard to the units of the park system which are near urban areas might have a detrimental effect on the ability of the Park Service to manage these units. If there is a widespread perception that some of these areas are not wanted, they're stepchildren or are going to be deauthorized; the superintendent will be faced with problems in recruiting good people and operating budgets could suffer a similar fate. What steps can you take to reassure the managers and staff of these areas that their efforts are still valuable to the Park Service?

Mr. ARNETT. The employees, are you talking about, sir, of the Park Service?

Mr. SEIBERLING. And potential employees as well.

Mr. ARNETT. What steps can I take to assure them that their services are——

Mr. SEIBERLING. Let's take a specific example. There are vacancies in Cuyahoga recreation area staff, I believe. How can the superintendent of that park recruit good people to his staff if there is some feeling that, well, maybe they're going to be deauthorized or otherwise made a low priority in the Park Service?

Mr. ARNETT. Well, sir, all I can say again is that if that park manager is listening, he is going to realize we are not going to deauthorize Cuyahoga.

Mr. SEIBERLING. It is not a problem of his listening. It is a question of about personnel. Who will bid to go to Cuyahoga if he thinks a year from now it will be deauthorized or even if it is not deauthorized, if they won't get the money to fill out with sufficient land acquisitions to be able to have a viable park operating there?

Mr. ARNETT. All I can say is they should not have that fear. We have not tried to leave them with that impression and it is probably a hypothetical question because I have not been confronted with that. Nobody has even approached me. Maybe Russ knows.

Mr. SEIBERLING. I don't know if it is hypothetical or not. Russ, do you?

Mr. DICKENSON. No, sir, I have had no specific situation brought to my attention but certainly the Secretary's statement most recently was most explicit and I believe gave the kind of reassurance that was required to those affected areas.

Mr. SEIBERLING. Let me push this a little further. Of course, I think we have taken care of the situation as far as the 1981 budget is concerned by rejecting some of the rescissions. I certainly hope that Secretary Watt's going to recognize that fact. In my last conversation with him when I got into this he said he was going to comply with the law and I certainly hope he will. But, of course, with respect to the 1982 budget, that's another question. Now, let us assume—which I don't think will happen—but assume there is no money for land acquisitions in the 1982 budget. You then have a situation in Cuyahoga where about two-thirds of the total land that was envisioned in the general management plan to be acquired has been acquired and one-third has not. I am told, having asked the superintendent, that there are about 40 parcels that he could acquire that would take care of the vast bulk of the remaining land that they need to have to complete their general management plan. At the moment, however, for reasons I don't fully understand, it is a checkerboard pattern partly because when the Corps of Engineers who loaned the land acquisition people for the park to get started, they didn't have a management plan or acquisition plan even though the law mandated it and they went around to wherever someone wanted to sell and they bought land, and some of it was probably not of the highest priority so now they have a lot of disconnected parcels and it makes it very difficult if you want to run hiking and bicycle trails, and whatnot, to manage that kind of operation. True, they have some areas where they have got fairly consolidated units and they are being held up simply by the lack of development funds. But how can the manager be effective when there is all this uncertainty as to whether he will be able to go ahead or not, Mr. Arnett?

Mr. ARNETT. I don't know that I can answer that because I still regard that as perhaps a hypothetical question. I feel that we have enough to be done in Cuyahoga with what has already been acquired and the fact is that some of these disconnected parcels can be worked on as a trail, as you mention, and perhaps just get an easement across those other areas to continue the trail; there is lots of work to be done of course along that line.

Mr. SEIBERLING. That is possible, but at the present time there are some problems. I have talked to the superintendent and until he can get a green light to go ahead and start at least putting together sufficiently connected areas so they can manage it and develop it effectively, he is stymied to that extent. And to that extent it is not a hypothetical question.

Mr. ARNETT. I will be happy to talk with that manager to see how he feels stymied and can't accomplish his job.

Mr. SEIBERLING. Maybe Russ has talked to him already, I don't know.

Mr. DICKENSON. We are going to do everything we can, Mr. Chairman, to free up the situation. The Secretary's forthcoming statement about lifting the moratorium will be a very welcome one to all the managers. I look for us to be able to proceed much more effectively than we have in the past.

Mr. SEIBERLING. I think that will help a great deal. I certainly hope so. Maybe what we better do is wait and see what happens once that moratorium is disposed of.

Now I think I would like to go into a couple of other areas. I think we covered the park concessionaires pretty well, although I had one question that I wanted to ask you with respect to the press release that the Secretary put out on June 18. It says that:

> In a prospectus issued June 15 by the NPS, firms seeking the new contract are advised to include in their proposals a commitment to invest a percentage of their earnings in capital improvement and maintenance of park facilities.

Are we talking about facilities going beyond what traditionally has been managed by concessionaires?

Mr. ARNETT. No, sir, not to my knowledge.

Mr. SEIBERLING. And then it says:

> Instructing the NPS to explore the need for longer concession contracts in areas where large investments are needed to upgrade services.

I think that's illogical in view of the problems we have had with some of these 25 and 30 year contracts. I would like to get a feel as to how far you are going to go in these longer contracts.

Mr. ARNETT. Russ, could you give an impression on that, please.

Mr. DICKENSON. Certainly we have no preconceived timeframe, Mr. Chairman. It is always going to depend in our view upon the amount of investment capital that is required and relate that to the time to recoup that kind of investment and the need to think about longer terms as occasioned by the kinds of dollar values that are associated with the investment today as contrasted with 30, 40, and 50 years ago. The major investment that is required in just the field of rehabilitation alone in some parks argues that we need to have the flexibility with the legislative limit of 30 years which currently exists and that is the background of what we are really talking about.

Mr. SEIBERLING. I hope that in doing that you would consider what you said earlier about not tying up, not granting exclusive rights of the kind that we got into a little earlier here for such a long period of time or if you are going to have a long contract I would eliminate things, the sort that could create problems of the kind that you are experiencing.

Mr. ARNETT. We will be very alert to that, Mr. Seiberling, because they have to live within the confines as the contracts establish by the Park Service. They have to live within what we require them to do or the contract is broken. In that case that was mentioned by Mr. Kildee, I believe, or was it Mr. Bingham?

Mr. SEIBERLING. Mr. Bingham.

Mr. ARNETT. Those are in the minority, I am sure, and there are abuses perhaps that we didn't intend but we will do our best to see that they don't happen again.

Mr. SEIBERLING. I used to practice law, and I was a great believer in force majeure clauses. I hope in any contract the Park Service enters into with a concessioner that there would be some provision that, in the event of significant change in basic circumstances, the Park Service could withdraw from the contract or make major modifications without paying some sort of penalty other than recompensing the concessioner for any out-of-pocket costs that he had to recoup.

I think that it is terribly important to have flexibility because things change too rapidly in this world.

Mr. Arnett, one other question on this release.

It states that:

> In other moves to seek improved NPS-concessioner cooperation, the Secretary has asked the NPS to investigate proposals for concessioner-operated campgrounds, the feasibility of shared maintenance and storage facilities, and coordinated planning efforts.

Now, what effect is this likely to have on user fees and what controls would the Park Service retain over the levels of such fees?

Mr. ARNETT. We have not—I feel the user fees should be increased. That is my personal opinion. We have not addressed that on an actual basis but I do feel they should be to where we are not in competition with private industry around the park. I think we should try to bring ourselves in as close coordination with the private sector as we are in the park system with the idea that we are faced with inflationary costs, operation and maintenance costs so that perhaps some user fees should be raised. But I am certain they will be done only after considerable hearing and deliberation if they are done at all.

Mr. SEIBERLING. Do you make a distinction between user fees and admission fees?

Mr. ARNETT. Yes; we do. There is a difference between the two, yes, sir.

Mr. SEIBERLING. I am glad to hear that because this committee, particularly, has been very negative about charging admission to the national parks.

Mr. ARNETT. Yes, sir, I am aware of that.

Mr. SEIBERLING. However, where you provide facilities for campers and that sort of thing, I think the user fee is entirely appropriate and I agree with you we should not undercut private industry unreasonably.

Mr. ARNETT. That was my intention on the user fees.

Mr. SEIBERLING. One of the things that concerns me in the debate we have been having since the new administration took over is the restoration and maintenance of park facilities and the $105 million fund proposal. I have the feeling that Secretary Watt, while he was quite properly focusing on public safety and important restoration and maintenance actions, was not focusing much on the protection of other park resources.

The national parks, it seems to me, in addition to providing recreation, serve as a kind of a baseline whereby we can compare natural areas with what is going on in areas where man's activity is more intense. Many of the changes that will impact the integrity of our parks will of course not be under your direct control, but do you see yourself as a spokesman to alert the administration and the country to outside actions which might impair the quality of the natural park environment?

Mr. ARNETT. As you correctly point out, sir, that is not directly in our jurisdiction but, yes, sir, I feel that anything that is going to impact the parks are things within our jurisdiction and we have a responsibility to do that.

Mr. SEIBERLING. What about users of the parks? There has been a lot of talk in this committee today about how we must not try to protect the parks to the point where we say hikers can't wear boots and all that, and I certainly agree with that. On the other hand, I would be concerned if we developed a fund for maintenance and restoration and construction that there might be a tendency to start putting more and more roads through wild areas of the parks and more and more facilities in the parks since the money would be there.

Is that a concern for you?

Mr. ARNETT. It is a concern but it is not a consideration at this time. As you pointed out, parks are for people and we want as many people to use these areas as we can. But we recognize that these fragile areas that I think are being addressed are not the candidates that you are going to use and bulldoze roads through an area just so people can get into them. They lose the purpose for which they were established. That has not been a consideration in our position.

Mr. SEIBERLING. We are not trying to compete with Disneyland or theme parks.

Mr. ARNETT. No, sir.

Mr. SEIBERLING. We are trying to give the people an opportunity to experience nature with the amenities that they can have if they want to go to the built-up parts of the park. What I am talking about is a balance between development and leaving it natural, and of course, it is the natural beauty that attracts the people to the national park. I hope we don't lose sight of that fact.

One problem that came up recently in the last administration was the effect of coal mining in the vicinity of Bryce Canyon National Park. I was just out there last month; it is a magnificent unit. Will the Department defend the decision made by Secretary Andrus with respect to limiting coal mining so it does not take place on the public lands within sight of the park?

Mr. ARNETT. I believe this question is being reviewed at this time along with the EPA requirements of integral vistas and the Clean Air Act and many of the other things. But I am not familiar enough with the Andrus decision to specifically state whether we will or will not endorse and support that decision.

Mr. SEIBERLING. Who does that come under?

Mr. ARNETT. That would come under my jurisdiction but I am not that familiar with the Andrus statement in that regard.

Mr. SEIBERLING. Then who is doing the review?

Mr. ARNETT. The review is being done on the whole Clean Air Act, the integral vista process, and it is being done within my shop and in the Park Service with Mr. Dickenson and with the Solicitor's Office.

Mr. SEIBERLING. I am not only concerned about the clean air aspects but the actual visual and sound effects of mining outside the areas where Secretary Andrus said that it would be permitted. I believe you would get strong support from this committee if you adhered to that decision.

Mr. ARNETT. I shall make it a point to look up that decision of Mr. Andrus and review that, sir. Thank you for bringing it to my attention.

Mr. SEIBERLING. Since you mentioned the protection of the air quality in the vicinity of national parks, are you getting into that question with the EPA?

Mr. ARNETT. Yes, sir, we will have some input into that but as I pointed out, at this point the Solicitor's Office is trying to outline our jurisdictional responsibiiities and I will be watching that very closely, but it will be our goal and our desire to keep those pristine areas and protect the park lands to the greatest extent possible.

Mr. SEIBERLING. Do you personally support the protection of the vistas and the air quality?

Mr. ARNETT. I do support the air quality on the parks. I don't know that I am too much in tune at this point with the external vistas but I certainly am with the internal vistas within the park boundaries.

Mr. SEIBERLING. Of course, the vistas around the parks are in many cases just as important.

Mr. ARNETT. Yes, sir, but I don't know again where you draw that line. Usually when you cross an area by trail you can only see it if you get on the highest peak and look in one area. So there has to be a balanced rationale to those matters and I am more than happy to consider it.

Mr. SEIBERLING. Are you saying you will approach it on a case-by-case basis?

Mr. **Arnett**. I think that is one way to do it but as you know we are under the discretionary authority of existing EPA regulations and those are the regulations that are being reviewed at this time.

Mr. **Seiberling**. I understand. There are just a few miscellaneous questions here and I think we can all have some lunch. What is the status of consideration of wildlife refuge deauthorization?

Mr. **Arnett**. It is the same as it is with the parks deauthorization. There is no intention for deauthorizing any wildlife refuges.

Mr. **Seiberling**. What are the likely impacts on the Park Service from the merger with various recreation and conservation services particularly with respect to personnel slots and how you handle this from a personnel standpoint?

Mr. **Arnett**. Well, sir, I believe that that merger has taken place as nicely as anyone could have expected except for two of the regions. I believe they are Boston, is it, Russ?

Mr. **Dickenson**. In Ann Arbor.

Mr. **Arnett**. And in New Mexico. Those were the only regions where there was overlap. The people are in place and Russ may be able to give a rundown on the timeframe for merging those completely.

Mr. **Dickenson**. I think the overall merger has gone very well, Mr. Chairman. Certainly it went very smoothly at Washington office level, and the field people were thoroughly involved in the major decisions related to timing and those things that would impact upon their future. There are two regional offices that need to be dealt with in the future and we think the timeframe, over the next 6 to 8 months, will work out well. Those are the cities where the HCRS had regional offices that were not in the same Federal cities where the National Park Service had its offices. Ann Arbor, Mich. is one, and the home office is in Omaha, Nebr.

So over a period of the next several months we will be amalgamating Ann Arbor into the Omaha office.

The other is Albuquerque, N. Mex., and the home office for the National Park Service is in Sante Fe. So we will be moving Albuquerque people slowly, and I hope efficiently, into the Sante Fe area.

Mr. **Seiberling**. So the Park Service isn't just going to have to absorb those slots, and you are getting additional slots to take care of those people?

Mr. **Dickenson**. At the present time, Mr. Chairman, there has not been any reduction in force as a result of the merger of the two organizations. I must admit that I do have some concern as we go into the months ahead simply because the kind of salary and expense levels that were associated with the former HCRS operation may pose some real difficulties for us as we enter the new fiscal year and the kind of overall manpower levels assigned by the Office of Management and Budget may not be satisfactory.

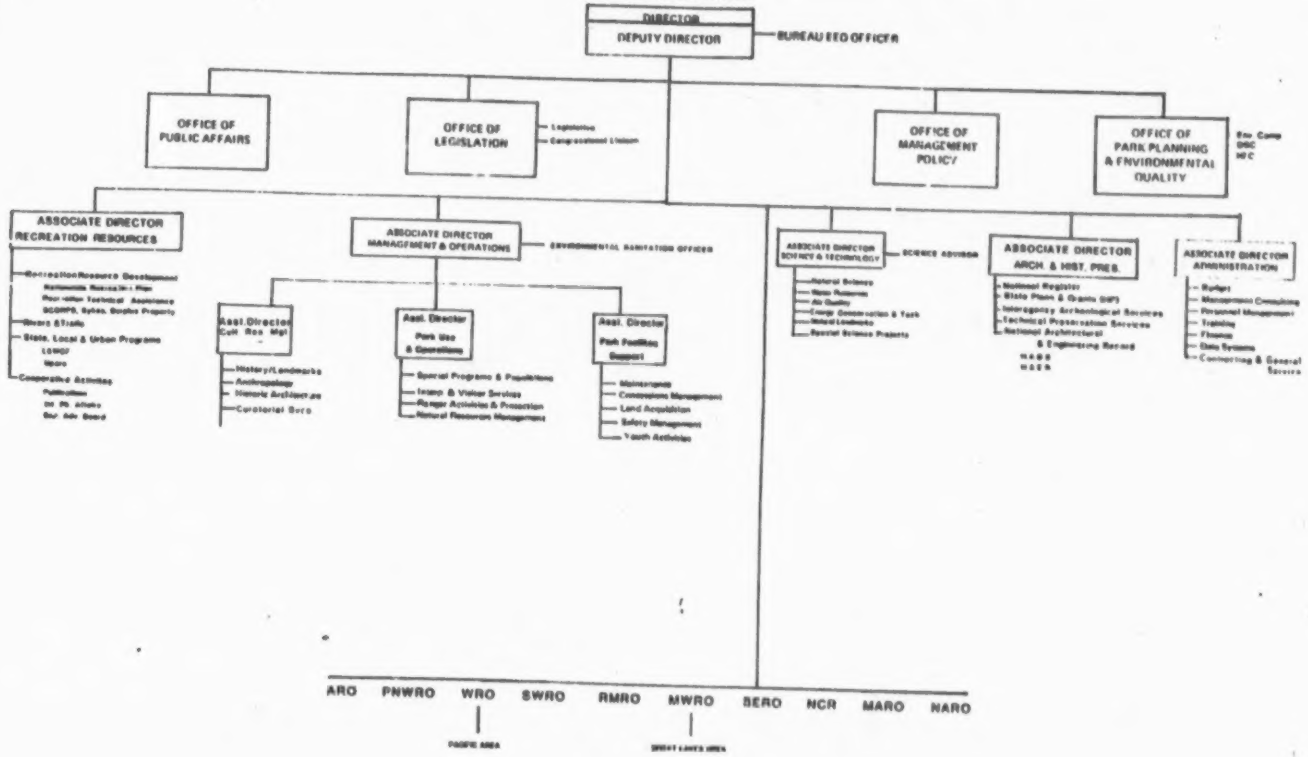
So I have these worries and these concerns but I don't have the definitive data at this time.

Mr. **Seiberling**. Can you supply us with a copy of the organization charts of the Park Service reflecting this change?

Mr. **Dickenson**. We will be glad to, sir.

[The Department subsequently furnished the following information.]

NATIONAL PARK SERVICE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Training
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Data Systems
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APRIL 6, 198

Russell E. Dickenson
DIRECTOR

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Mr. **Seiberling.** What date would they be effective?

Mr. **Dickenson.** The effective date was May 31, 1981, so we can give you that as of June 1, 1981.

Mr. **Seiberling.** We would also like to have what you project for the start of the next fiscal year if there is any significant change.

Mr. **Dickenson.** We will be glad to do that, sir.

[The following information was subsequently furnished by the Department.]

Permanent full-time personnel ceilings Heritage Conservation and Recreation Service programs are 476 for fiscal 1981 and 346 for fiscal 1982.

Mr. **Seiberling.** Mr. Arnett, I would like to get your views on the National Park Service work in identifying the resource impacts in various respects. First of all, the state of the parks report. Where do you stand in terms of following up the state of the parks report?

Mr. **Arnett.** Was that the report of 1980?

Mr. **Seiberling.** Yes.

Mr. **Arnett.** I don't know. I have not read that report. I know it exists. Russ?

Mr. **Dickenson.** The report to the committee was prepared in January this year, which was an update, a followup on the earlier survey portion.

Mr. **Seiberling.** Right.

Mr. **Dickenson.** We are still awaiting the results of a proposal which we have made to the Department which would enlist the aid of the National Academy of Sciences in an overall systemwide review of managers' concerns. What we perceive within the service today as the most immediate action to be taken is a priority setting exercise and we would like to have the assistance of knowledgeable and concerned national scientists to help us do that.

We think that the next very logical step is what we have done. At the same time, there are a number of ongoing managerial operations which can be taken. Those are in fact underway in dozens of national park areas today where it involves relationships with local communities, local zoning boards, local developmental situations which would impact upon park resources.

I guess if we had to set sort of priorities at the present time I guess we are dealing in terms of air quality in the national parks, water quality, those things which are not only simply regional in scope but national in scope. This affects a number of national parks. These are beyond the purview of the National Park Service. These are national concerns.

Mr. **Seiberling.** Are you saying that the Park Service is going to ask the National Academy of Science to take over the job of monitoring clean air, for example?

Mr. **Dickenson.** No, sir, we are not implying that at this time. The so-called threats to the national parks are so numerous and so large, so diverse, that we are asking for the kind of expertise that is represented in the National Academy of Sciences to help us sort out these from a priority standpoint.

Mr. **Seiberling.** I noted when we were going through the budget earlier this year that the amount of money for continuing the baseline studies under clean air was inadequate. How do you propose to

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get the necessary data for baseline purposes with the funds that are now available?

Mr. DICKENSON. If I could just give you a professional viewpoint on that, Mr. Chairman, it appears to me certainly that we are deficient in that at the present time. While we are monitoring air quality at a number of class 1 national parks there are a number of other areas that ought to be monitored from a baseline standpoint if we are truly to be effective under the Clean Air Act which charges us, the land managers, with an affirmative responsibility, as you well know.

Those of us in the National Park Service take that very, very seriously. So I can simply say to you today that there are some notable occasions within our monitoring system at the present time.

Mr. SEIBERLING. I think the whole area of southern Utah and northern Arizona is one of the most potentially expansive areas in the country in terms of economic development, particularly if the MX missile, as presently planned, goes ahead. We had testimony here yesterday that it could produce upward of probably 350,000 people moving into just Nevada and Utah, into those deployment areas. Then we have the full development, power development, possibly oil shale, and I would hope that there could be very high priority given to setting up sufficient monitoring capabilities in that area to enable us to keep an eye on the situation because if we don't, it's going to get out of hand very fast. One of the great qualities of the parks in those areas is the air.

Mr. DICKENSON. Yes, sir.

Mr. SEIBERLING. I would like to get into one other area, Mr. Arnett, and I think that would wind it up. Historic preservation: This wasn't mentioned in your opening statement though it is one of your areas of jurisdiction. Of course, the Secretary of the Interior has the lead role in the Federal Government on historic preservation programs and this has been delegated to the National Park Service and you as the Assistant Secretary. Do you have any general view concerning your role and responsibilities on the national historic preservation program?

Mr. ARNETT. Sir, I think we are very concerned and I personally have very much interest in the historic preservation aspects under the responsibilities that I have.

Again, some of these policies I spoke of earlier, the recreation policy, the land acquisition policy, and along with those there is being developed a policy to address the historical preservation setup. I believe that the tax incentive program is perhaps one of the best ways in which we can assist industry to help the National Park Service in the preservation of some of these historical sites that we need. Along with other aspects that we will be approaching to try to involve the private sector in assisting us in that area this will go a long way to preserve some of these sites that we think need this protection.

Mr. SEIBERLING. I think the tax incentive program is important. Last year we enacted major changes in the National Historic Preservation Act. I would like to know what steps are being taken to implement them? For example, what is being done to promulgate regulations for the national register of historic places and the national landmarks program?

Mr. **Arnett**. May I again defer that to Mr. Dickenson whose shop that resides within.

Mr. **Dickenson**. Mr. Chairman, that work is currently underway at the present time. At the staff level that is going on, and we would hope to have a product ready for public examination in a reasonably near timeframe.

Mr. **Seiberling**. I am gratified to hear that. What about the guidelines for responsibility of other Federal agencies under section 110 of the act?

Mr. **Dickenson**. It is in progress, Mr. Chairman.

Mr. **Seiberling**. The deadline is December 1981 to complete those in accordance with the act.

Mr. **Dickenson**. I am advised that we can respond for the record and give you a better timetable than we can right now.

Mr. **Seiberling**. Fine.

[The Department subsequently furnished the following information.]

National Register regulations have been drafted and will soon be sent to the House and Senate Committees as required by law. We hope to have interim regulations in effect sometime this fall.

The National Historic Landmark regulations are being revised to reflect the reorganization and to incorporate comments from the public and State Historic Preservation Officers. We will have them redrafted in a short time and transmitted for Departmental review. As soon as this review is complete, the regulations will be published.

With respect to the guidelines for responsibility of the Federal agencies under Section 110 of the Act, the law says that the guidelines must be established by December 12, 1981. Our Task Force can meet that deadline. However, it is possible that we may wish to codify the guidelines as Federal Regulations, or perhaps put them in some other form. Consequently, they might not have taken their final form—as regulations, for example—by that date.

Mr. **Seiberling**. What about mandated loan guarantees for historic properties?

Mr. **Dickenson**. Again, it is being considered at the staff level but there is no timetable for implementation right now, Mr. Chairman, in view of our budgetary situation and until that is clarified, I am not sure that an implementation schedule is possible.

Mr. **Seiberling**. I guess we don't like to be arbitrary but they are expected to be implemented within a reasonable time.

Mr. **Dickenson**. Yes, sir.

Mr. **Seiberling**. And, of course, circumstances change but unless the law is changed it is still there staring you in the face.

Mr. **Dickenson**. I understand that, Mr. Chairman. We are well aware of the timetable but the budget outlook for us right now makes it most difficult to forecast a timetable.

Mr. **Seiberling**. What about regulations for certifying local government's role?

Mr. **Dickenson**. They are underway and will be ready for public examination in the near future.

Mr. **Seiberling**. The administration has proposed cutting out the funds for this historic preservation program, although Congress so far has not gone along with that. Of course, if they are cut off, that simply means that Federal agencies instead of State agencies are going to have a much larger responsibility at possibly higher cost and loss of effectiveness. The whole idea was to let the States do this, but to give them the funds so they would have the incentive to do it. I thought that was one of the things that the new administration was trying to accomplish, that is, getting more activity done at the State and local level?

Mr. Arnett, how do you feel about that?

Mr. **ARNETT**. I feel that is our responsibility and one of our goals. What you point out, if we don't do it, if we don't get up these guidelines for the States to do it, we may have to assume a greater role than we want to. So I can assure you that as far as I am concerned we will make every effort to make it possible for the States to assume the responsibilities that I feel they can and should undertake.

Mr. **SEIBERLING**. It is going to be hard if there are no funds but that is something the Congress will have to end up deciding.

I want to thank you very much. There may be other questions and I am sure there will be, that we will want to submit to you in writing.

Mr. **ARNETT**. Yes, sir

Mr. **SEIBERLING**. I appreciate your patience and I look forward to working with you in solving some of these problems.

I recognize that we may come from different points of view but you have been in public life long enough to know that it is possible for people to work out compromises and I am hopeful that we will succeed in doing that.

In the meantime, if there are any things you want of this subcommittee or any questions you have, please feel free to contact me or the staff and we certainly will feel free to do the same with respect to you, and Mr. Dickenson, and other people in your organization.

Mr. **ARNETT**. Thank you, Mr. Chairman. I have enjoyed appearing before you and I want to again express our willingness to work with you, personally, your committee as a whole, your staff, and invite you over to visit with us at your convenience.

How long could I expect the record to be held open to receive the written responses to your questions?

Mr. **SEIBERLING**. Normally we keep it open 10 days but if that is not enough time, let us know.

Mr. **ARNETT**. That's enough for us. I was wondering about the question we should be waiting to respond to.

Mr. **SEIBERLING**. We will try to submit them promptly and give you 10 days to respond to them.

Is that enough?

Mr. **ARNETT**. Thank you very much. We will do our best to meet that schedule.

Mr. **SEIBERLING**. Thank you very much. This hearing is adjourned.

[Whereupon, at 1:17 p.m., the subcommittee adjourned to the call of the Chair.]

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APPENDIX I

TUESDAY, JUNE 2, 1981

ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD

STATEMENT OF ROBERT F. BURFORD, DIRECTOR, BUREAU OF LAND MANAGEMENT AT A HEARING BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, HOUSE OF REPRESENTATIVES.

I appreciate the opportunity to appear before you today and discuss with you my perspective and philosophies concerning the management of the public lands and their resources. These have evolved over my many years of affiliation with the land and from many perspectives.

As you know, I am a fourth generation westerner. I was born in Colorado and owned and operated ranches in western Colorado for more than three decades. My early memories go back to the years before the passage of the Taylor Grazing Act. I can tell you stories about homesteading, the urgent need for water, and the forces used in those days. I can tell you about changing a ranching operation from mainly sheep to straight cattle operation. I am thoroughly familiar with the problems as well as the joys of ranching.

Even before my return to ranching in 1950, I took part in the management of public lands on which the family ranching operation was conducted and I began efforts, in conjunction with the Bureau of Land Management, to improve forage production. I pioneered voluntary reductions in Animal Unit Months, water development and attempts in cooperation with the Grazing Service to introduce new species of forage producing plants.

In addition to being a rancher, I am also a mining engineer, a graduate of the Colorado School of Mines. I practiced the profession in California and Jamaica after my discharge from the United States Marine Corps at the end of World War II.

So I not only have a love of the land but an understanding of and respect for the variety of its resources and capabilities.

There is a third dimension to my familiarity with the public lands and their resources. Not only have I been a member of several Cattlemens' and Woolgrowers' Associations but I have also served as a member of the Bureau's Grand Junction and Glenwood Springs Grazing District Advisory Boards, and of the Colorado State Grazing Advisory Panel and an alternate of the National Grazing Advisory Board. During my years of service on the boards, I helped bring into being changes in use which had been tried and tested over many prior years. I know the tug and pull that is involved in developing programs for the use and management of the public lands.

Finally, my three terms in the Colorado House of Representatives gave me a thorough grounding in the legislative process. I know what it takes to get a bill through and signed.

When I was in the Colorado House of Representatives, I was appointed to the House Committee on Agriculture, Natural Resources and Water because of my extensive background in the area. This is the oversight committee for the Colorado State Land Board, and because I was familiar with their laws and functions through prior contact, I worked closely with the State Land Board in formulating and enacting legislation to improve their administrative functions. This involvement in State and Federal land problems carried on through my two years as Speaker of the Colorado House.

In addition to working with the State Land Board, I served on the committee which wrote the Colorado Mined Land Reclamation Act and spent two years making sure the regulations promulgated under it conformed to legislative intent. I then chaired the committee and took a lead role in writing Colorado's Coal Mine Reclamation Act. I helped achieve the introduction and passage of a forceful and balanced act acceptable to industry and the environmental interests. The word acceptable does not mean that either side was completely happy, but, in the traditions of our system of Government, a good, workable and fair compromise was achieved.

So you see, I approach the position of the Bureau of Land Management with an understanding of the public lands that was developed through long years of association with the lands from many vantage points.

During my tenure in the Colorado House of Representatives, I was a strong and vocal advocate for the separation of legislative, judicial and executive powers. That is still my philosophy and I plan to administer the public lands according to the policy mandated by the people through their elected officials.

I believe most of the laws relating to the public lands are adequate for our needs. I believe they can be interpreted in a manner that will be to the public benefit. I believe that we will be making very few recommendations for amendment to our basic laws, such as the Federal Land Policy and Management Act, but that we may support legislation that is introduced that will further our goals and make them more easily attainable.

The Federal Land Policy and Management Act clearly and unequivocally states that it is the policy of the United States that public lands be retained in Federal ownership and that management of these public lands be on the basis of multiple use and sustained yield. Modifications, exceptions and clarifications of these basic concepts are provided for by this law and the other laws governing the administration of the public lands. These public land laws and others will be followed during my tenure. Included in many of these laws is the requirement requirement that the Secretary of the Interior establish comprehensive rules and regulations under certain criteria. Any new rules, amendments or withdrawals requested by the Secretary or proposed to the Secretary will adhere to those criteria and I will carefully scrutinize them to make sure they follow the legislative intent of Congress.

Incidentally, in response to a directive from President Reagan, the Bureau is conducting a massive and comprehensive review of its regulations with a view to eliminating burdensome, excessive and counterproductive regulations. I personally am looking at the proposed changes in regulations to assure that we fulfill our responsibilities and develop a set of regulations that are simple, to the point, easy to read and comprehend and not burdened with unnecessary detail. I have long been an opponent of attempts by bureaucracies to expand or contract laws by short-circuiting the rulemaking process. Public participation in this process will be invited and all viewpoints weighed and considered before any formal decision or recommendation is made.

Consistent with this policy is my intention to streamline the decisionmaking process while allowing all necessary input to that process. Delay for the sake of delay serves no purpose. Excessive paperwork is unnecessary. All of this only impedes production, increases costs and fuels inflation. However, I will insist that decisions are soundly based.

I am committed to increasing oil and gas lease sales and the development of strategic minerals, but I also am determined that it be accomplished in a way that will have minimum adverse impacts on the land. For the Outer Continental Shelf program, I will seek to streamline our leasing process, offer larger lease areas, and proceed first with areas having high resources potential. My goal is to increase domestic production of oil and gas and to reduce our dependence on foreign sources.

I will work to convey to landlocked communities surrounding public lands that they need if they are to develop and expand.

I believe in decentralization and delegation of the authority to make decisions to the lowest possible level. I believe decisions should be made where the actions are happening--not in Washington. At the same time, I believe headquarters office should give ample guidance and strong support to field offices.

I believe we must find a solution to the wild horse and burro problem which is plaguing the west. The problem can only become worse if the western States suffer a drought, as may happen this year. It is neither humane nor economic to allow these symbols of the west to starve to death, nor is it economic to allow them to ravage the range to the detriment of the domestic animals that graze there.

To sum up, in administering the public lands, my intent is to carry out the policies of this Administration and strive towards self-sufficiency for this Nation in energy and strategic minerals. This can be done even while enhancing the productive capacities of the public lands for renewable resources and making them available for recreation and aesthetic values.

Another of the goals of this Administration, that has been enunciated by President Reagan and Secretary Watt, is close cooperation with Congress. I am working to establish effective communications with the committees of the Senate and the House and with their respective staffs. This is one reason I welcome this opportunity to meet with you today.

I want to work with the Congress in developing programs for the management of lands and resources that the Bureau has the responsibility for managing for the use and enjoyment of all the American people.

I am eager to meet the challenges and responsibilities that face the Bureau.

I would be happy to respond to any questions you may have.

DEPARTMENT of the INTERIOR
news release

BUREAU OF LAND MANAGEMENT

For Release May 28, 1981 Reed (202) 343-5717

BLM AND AIR FORCE SIGN COOPERATIVE AGREEMENT FOR STUDIES FOR M-X MISSILE PROGRAM

The Bureau of Land Management (BLM) and the United States Air Force announced today that they have signed a cooperative agreement that allows the Air Force or its agents to conduct land use studies concerning the suitability of lands in Nevada, Utah and New Mexico for possible location of M-X shelter sites. Texas, which also is being considered for possible location of M-X sites, is not included because there are no public lands there for deployment of the M-X missile system.

The cooperative agreement states that the BLM will issue letters of authorization to the Air Force before they conduct land use studies and surveys to identify possible shelter site areas. Letters of authorization will also be issued for activities to determine the suitability of public land areas for withdrawals, rights-of-way, material sites and other land use authorizations that may be needed with the M-X program. According to Robert F. Burford, BLM national director, and James Boatright, Deputy Assistant Secretary of the Air Force for Installations, the cooperative agreement will not cover any construction related activities.

The Secretary of the Interior is granted the authority under the Federal Land Policy and Management Act (FLPMA) of 1976 to conduct investigations, studies, and experiments involving the management, protection, development, acquisition and conveying of public lands. The Air Force plans to withdraw approximately 25 square nautical miles of public land for deployment of the M-X missile system if it is approved as proposed.

Burford and Boatright stated that the BLM's letters of authorization will normally be of limited duration. They also pointed out that the letters of authorization do not transfer any administrative control, right or interest in the public lands to the Air Force, nor will the letters restrict other multiple use programs of BLM.

The Air Force must contact affected land users "to the extent practical" prior to carrying out any of the activities in the letters of authorization.

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COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

STANLEY SCOVILLE
ASSOCIATE STAFF DIRECTOR
AND COUNSEL

LEE MC ELVAIN
GENERAL COUNSEL

TIMOTHY W. GLIDDEN
REPUBLICAN COUNSEL

May 20, 1981

Honorable Robert Burford
Director
Bureau of Land Management
Department of the Interior
Washington, D. C. 20240

Dear Director Burford:

I have been informed that the Nevada Cattlemen's Association and a number of individuals in Nevada have raised objections to various issued or proposed temporary use permits and cooperative agreements (for or with federal agencies and other parties) which would have the effect of authorizing activities on the public lands relating to possible deployment on those lands of the proposed MX missile system.

As you know, the Subcommittee on Public Lands (in the 96th Congress) and the Subcommittee on Public Lands and National Parks (in this Congress) have been conducting oversight hearings and other activities concerning the possible deployment of this proposed weapon system on the public lands. One focus of our attention has been on the activities of the Bureau of Land Management with regard to MX issues. In addition, we of course have an ongoing responsibility for oversight with regard to all actions of the BLM in implementation of the Federal Land Policy and Management Act.

The question of just what authority BLM has to allow particular activities regarding the MX project was raised in the hearings during the 96th Congress and continues to be a subject of great interest to the Subcommittee and the full Committee on Interior and Insular Affairs.

To assist us in these oversight activities, I would very much appreciate being kept fully and currently informed concerning the status of the various objections to temporary use permits and cooperative agreements (already issued or under consideration) with regard to the MX project; and, if you have sought or should seek the opinion of the Solicitor or the Attorney General regarding

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such objections, or regarding any other matters related to the MX project, it would be appreciated if the Subcommittee could be informed of such actions and provided with all relevant documents relating thereto, including any opinions or other advice received from the Solicitor, the Attorney General, or any other source.

I look forward to your reply to this request.

Sincerely,

JOHN F. SEIBERLING
Chairman, Subcommittee
on Public Lands and
National Parks

June 19, 1981

Honorable John Seiberling
Chairman, Subcommittee on
Public Lands and National Parks
Committee on Interior and
Insular Affairs
House of Representatives
Washington, D.C. 20515

Dear Mr. Seiberling:

The Air Force has been gathering information on the public lands of Nevada, Utah, and New Mexico in preparation of an environmental impact statement for the proposed MX missile system and for application to the Bureau of Land Management (BLM) for withdrawal of public lands and rights-of-way. A Secretarial recommendation based on this application will go to the Congress for action in accordance with the Engle Act of 1958.

The work being done on public lands consists of studies, surveys, test wells and similar activities, and has been done by private contractors for the Air Force. The BLM State Directors of Nevada, Utah and New Mexico issued to numerous contractors temporary use permits (TUPS) under Section 302 of the Federal Land Policy and Management Act (FLPMA).

It is clear that some use of public land by the Air Force and the Corps of Engineers has to take place prior to congressional approval of legislation for withdrawals. Federal agencies may obtain the right to use the public lands in three ways under Section 302(b) of FLPMA: (1) withdrawals, (2) rights-of-way reservations, or (3) cooperative agreements for activities that are similar or closely related to the programs of the Secretary of the Interior.

Of these alternatives, we believe that use of the cooperative agreement is the proper method to authorize gathering of information which the Bureau and the Secretary must consider before making recommendations regarding location of withdrawals, and granting rights-of-way, and other sites for the MX proposal. Such information gathering activities are clearly related closely to the withdrawal, right-of-way and other land management programs of the Secretary.

Accordingly, on May 15, 1981, we signed a cooperative agreement with the Air Force on the use of public lands for such pre-application activities related to the MX project. This agreement (Enclosure A) was reviewed and approved by the Solicitor before its execution. On May 28, 1981, I directed the State Directors of Nevada, Utah and New Mexico to revoke the existing temporary use permits and issue letters of authorization under the cooperative agreement.

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We received a telegram on May 4, 1981, and letters on May 14 and May 15, 1981, from Mr. Arthur Brunwasser, attorney for the Nevada Cattlemen's Association (Enclosure B) appealing the issuance of four specific TUP's. Under Secretary Donald Hodel responded to Mr. Brunwasser on May 22, 1981 (Enclosure (C).

Federal agencies, including but not limited to the Department of Defense, have a number of programs under which they wish to use the public lands for relatively short periods of time. The Administration is currently reviewing the means by which the Secretary can permit use of the public lands, such as by withdrawals, rights-of-way, and cooperative agreements, in order to determine whether additional authority to permit temporary short-term use of public lands is necessary or desirable.

Please be assured that future actions by this Department in connection with the proposed MX project will be taken in conformity with all legal requirements.

Sincerely yours,

/s/ Robert F. Burford

Director

Enclosures

cc: 140 RF
142
SOL- McHale
140:DPatton:nro:6/5/81:x6226

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COOPERATIVE AGREEMENT
BETWEEN
THE BUREAU OF LAND MANAGEMENT
AND
THE UNITED STATES AIR FORCE
ON
THE USE AND OCCUPANCY OF PUBLIC LANDS
FOR
PRE-APPLICATION ACTIVITIES
RELATED TO THE MX PROJECT

I. PURPOSE

The Bureau of Land Management (BLM) has determined that it is necessary to issue letters of authorization to the United States Air Force (USAF) to conduct studies, surveys, and other activities to identify sites and proposed withdrawal areas and rights-of-way. This cooperative agreement covers the proposed MX deployment areas on public lands in the States of Nevada, Utah, and New Mexico. This agreement establishes procedures between BLM and the Air Force or its authorized agents (i.e., Corps of Engineers, Department of Energy, etc.) for submitting letters of application and the BLM issuance of letters of authorization. The letters of authorization will be issued under the provisions of this agreement for preapplication activities to determine the suitability of lands for withdrawals, rights-of-way, material sites investigations and other land use authorizations.

This cooperative agreement will not cover construction related activities and is being developed so that BLM can assist the AF in identifying suitable sites and locations.

BLM has determined that these activities are similar and closely related to the programs of the Secretary of the Interior that include BLM's land use planning system and regulation requirements related to withdrawals and rights-of-way.

II. AUTHORITY

A. Federal Land Policy and Management Act of 1976 (43 USC 1701 et. seq.).

B. 10 U.S.C. 8012b.

III. DEFINITIONS

A. "Authorized Officer" means an employee of the Bureau of Land Management to whom authority has been delegated to perform the duties described in this agreement.

B. "Public lands" means any lands or interest in land, within the States of Nevada, Utah, and New Mexico, as defined in the Federal Land Policy and Management Act (Sec. 103) of 1976.

IV. GENERAL PROVISIONS

A. The U.S. Air Force will assume financial responsibilities on behalf of the Federal Government in accordance with applicable laws and regulations for any and all damage to the public lands and improvements thereon caused by actions authorized under this agreement.

B. The U.S. Air Force shall contact appropriate public land users, to the extent practical, prior to initiating action in the designated deployment area to explain the purposes and methods to be used in performing these activities. These contacts shall include ranchers and others that have valid existing rights for use of the public lands.

C. New road construction and other construction related activity is not covered under this agreement.

D. The USAF will conduct studies and/or analyses, as necessary, to comply with the National Environmental Policy act (NEPA) of 1969 and submit copies to BLM.

E. BLM will include such stipulations in the letters of authorization as necessary to avoid or mitigate potential environmental impacts on and other concerns relating to the public lands.

F. The U.S. Air Force shall comply with all stipulations contained in the letter of authorization.

G. Letters of authorization will not segregate the land and will not transfer any rights or interest in the land to the USAF.

H. Letters of authorization shall be issued and terminated at the discretion of the BLM Authorized Officer.

I. Letters of authorization shall be issued for a period of time commensurate with the time needed to accomplish the objective of the activity so authorized.

V. PROCEDURES

A. Pre-Application Requirements

Prior to submitting letter(s) of application, the U.S. Air Force will contact the Authorized Officer or his representative to discuss the proposed action.

B. Letters of Application

The U.S. Air Force will submit "letters of application" describing the proposed activities as follows:

1. Purpose of proposed activities.
2. Methods to be used in accomplishing proposed activities.
3. Acreage to be disturbed or studied.
4. The location shown on a USGS map on a scale of not less than one-half inch per mile.
5. Duration/time frames of proposed activity.
6. Number of people in the field.
7. Type of equipment and numbers of vehicles to be used in the area.

8. Proposed method of reclamation of surface disturbance activities.
9. Name of USAF representative, local phone, and address where he can be reached.
10. Any additional and pertinent information that the Authorized Officer may require.

Upon receipt of the letter of application, the Authorized Officer will determine whether the proposed activity is within the scope of this agreement.

The Authorized Officer will determine potential land use conflicts and develop stipulations that will be included in the letter of authorization.

VI. AMENDMENTS

Amendments to this agreement may be proposed at any time by either party and shall become effective upon approval by both parties.

VII. TERMINATION

This agreement may be terminated 30 days after prior notice by either party. If the termination is proposed because of a dispute or disagreement, the parties agree to actively attempt to resolve such disputes or disagreements during the intervening 30 days.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Arthur Brunwasser, Esq.
Attorney At Law
240 Stockton Street, Third Floor
San Francisco, California 94108

MAY 22 1981

Dear Mr. Brunwasser:

This is in response to your mailgram dated May 1, 1981, and your letters dated May 14 and 15, 1981, addressed to the District Manager of the Bureau of Land Management, Las Vegas, Nevada, regarding certain temporary use permits issued by the Bureau of Land Management in connection with the proposed MX missile system. I have instructed the Bureau to immediately terminate all such temporary use permits.

The cooperative agreement between the Bureau of Land Management and the Air Force regarding identification of suitable sites for the possible issuance of withdrawals, rights-of-way, or other site authorizations was reviewed and approved by the Office of the Solicitor, before its execution on May 15, 1981. The legal issues which you mentioned in your correspondence were fully considered at that time. Future authorizations for the use of public lands by the Air Force in connection with identification of potentially suitable sites for the proposed MX missile system will be made pursuant to the cooperative agreement, rather than by temporary use permits issued under section 302 of the Federal Land Policy and Management Act. The proposed agreement referred to in your correspondence of May 12, 1981, as an "umbrella cooperative agreement," if implemented, will not concern pre-withdrawal use of public lands by the Air Force.

I hope this information is responsive to your concerns. While I see no need for a hearing on the matters mentioned in your correspondence, please feel free to contact appropriate Department officials to discuss them.

Sincerely,

Donald Paul Hodel

Under SECRETARY

cc: Chairman, Interior Board of Land Appeals
Director, Bureau of Land Management
Solicitor

ARTHUR BRUNWASSER
ATTORNEY AT LAW
240 STOCKTON STREET, THIRD FLOOR
SAN FRANCISCO, CALIFORNIA 94108
TELEPHONE (415) 391-2203

May 12, 1981

District Manager,
Bureau of Land Management
United States Department
of the Interior
Ely District Office
Star Rt. 5, Box 1
Ely, Nevada 89301

District Manager,
Bureau of Land Management
United States Department
of the Interior
Battle Mountain District Office
P. O. Box 194
Battle Mountain, Nevada 89820

District Manager,
Bureau of Land Management
United States Department
of the Interior
P. O. Box 4500
Las Vegas, Nevada 89102

Re: Temporary Use Permits and Cooperative
Agreements Relating to MX Deployment

Gentlemen:

Please be advised that this office represents the Nevada Cattlemen's Association and its members, who constitute most of the cattle ranchers in the State of Nevada, as well as the following individual ranchers who are acting for themselves and all other ranchers whose lives and livelihoods are potentially affected by MX deployment; Joe Fallini, Jr. and E. Wayne Hage, of Tonapah, Nevada; Fred M. Jenkins of Pioche, Nevada; Van Gardner of Lund, Nevada; and Ken Lee of Panaca, Nevada.

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One or more of these individuals reside with their families and conduct their cattle ranching operations in one or more of your Districts.

During the past two years, each of your offices has issued Temporary Use Permits (TUPs) to the Air Force, Army Corps of Engineers, Department of Energy and/or one or more of their contractors authorizing various activities on the public lands relating to possible MX deployment in the State of Nevada. In addition, at least one cooperative agreement between the BLM/DOI and the Air Force Defense Nuclear Agency was executed on March 23, 1981, authorizing a high explosive test in Ralston Valley, Nevada. It is my understanding that one or more cooperative agreements and/or Memoranda of Understanding (MOU) are being negotiated at the present time. These cooperative agreements and MOUs also concern MX activities on the public lands.

This letter should be considered as:

1. An explanation of the appeal filed May 4, 1981 from the issuance of all TUPs issued within the past 30 days by the BLM office in Las Vegas. Those permits known to us are:

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No. 81-21 to Fugro National, Inc., No. 81-23 to Department of Energy, No. 81-25 to Army Corps of Engineers, and No. 81-27 to Army Corps of Engineers.

2. A demand that all outstanding TUPs relating to MX activities be revoked forthwith.

The basis for each appeal and the demand to revoke all TUPs is that all TUPs have been issued without statutory authority or any properly adopted regulation. This action by the BLM constitutes a clear example of bureaucracy knowingly exceeding its authority.

All authorized activities by BLM have been and shall continue to be conducted by or in behalf of federal agencies exclusively for military purposes. The issuance of TUPs is improper because the BLM has no authority to permit a federal agency use of the public lands except in limited circumstances not now present. Even if such authority existed, military use is not authorized by the Federal Land Policy and Management Act (FLPMA). The reasons why these practices of the BLM are contrary to the law are not very complicated.

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1. No Authority To Issue TUPs To Federal Agencies Or Their Private Contractors.

Section 302(b) of FLPMA prohibits other federal agencies from using the public lands except in limited circumstances. In a letter dated November 7, 1980 to the Consultant of the House Committee on Interior and Insular Affairs, the Nevada State Director of the BLM, Edward F. Spang, acknowledged that "we are not authorized to issue a Sec. 302(b) TUP" to federal agencies. Despite this admission of the obvious, BLM offices in Nevada and Utah have issued over 50 TUPs to Air Force contractors and subcontractors, primarily Fugro National, Inc. and Henningson, Durham and Richardson. At the time Mr. Spang wrote his letter admitting that he had no authority to issue TUPs to federal agencies, he admitted having issued 21 permits to Fugro alone. Incredibly, in the ensuing five months since writing the letter, the BLM has continued to issue a series of permits for the Air Force.

It is a well established legal principle that one cannot do indirectly what cannot be done directly. If any agency is ineligible for a permit, then quite obviously those who act for the agency are similarly ineligible. All activities of contractors holding TUPs are for the benefit of the Air

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[redacted]

Force and its proposal to deploy from 4,600 to 13,500 missile shelters in the Great Basin of Nevada and Utah. Military purposes are not a legally permissible subject matter of permits for use of public lands under FLPMA. One of the prime purposes of Congress in enacting FLPMA was to put a stop to unlimited military use of the public lands because of previous abuse.

The Air Force is presently preparing withdrawal applications for public lands in Nevada and Utah. The Secretary's regulations implimenting his withdrawal authority (43 C.F.R. §§ 2300 et seq. and 46 C.F.R. § 5794), do not provide any authority for casual use or occupancy of public lands by the Air Force or its agents before the withdrawal process is initiated if the uses would disturb the land surface. Since there have been no applications for withdrawal submitted by the Air Force, there is no authority for it to use the public lands as it is now doing.

For the above reasons, all MX related TUPs heretofore issued to either the Air Force or its contractors should be revoked.

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2. Cooperative Agreements.

It is our understanding that the BLM has apparently recognized the impropriety of issuing TUPs and is in the process of negotiating an umbrella cooperative agreement for remaining MX activities up to the filing of withdrawal applications. My clients intend to file protests and the following comments should be considered at this time.

The only statutory authority authorizing the BLM to make cooperative agreements with federal agencies is found in §§ 302(b) and 307(b) of FLPMA. This option is available to the Air Force or its agents for the use of public lands only if the proposed use and development are similar or closely related to the programs of the Secretary for the public lands involved in the proposed deployment area. The Air Force studies preparatory to deployment of the MX missile are not similar or related to BLM programs for the public lands in Nevada and Utah and, accordingly, there is no basis for a cooperative agreement between the Air Force and BLM. In fact, the Department of Interior has explicitly stated to the House Interior Subcommittee on Public Lands that the cooperative agreement device is not available to the Air Force:

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> "A cooperative agreement could not be used because FLPMA restricts the use of cooperative agreements to uses which are similar or closely related to programs of the Secretary of the Interior. The MX system is not a program similar or closely related to programs of the Department of the Interior."
>
> (The MX Missile System. Oversight Hearings before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, House of Representatives, 96th Congress, 1st and 2nd Sessions, Serial No. 96-30, page 184 (1980))

If the BLM executes a cooperative agreement for the purpose of facilitating MX deployment, then the BLM would be acting in direct conflict with the information it provided to the Subcommittee on Public Lands.

There is still another reason why the March 23, 1981 cooperative agreement authorizing the high explosive test in Ralston Valley is contrary to the law. Congress has specifically directed the Air Force to develop the MX missile without making a commitment to one basing mode or design of any site specific facility. See Military Construction Appropriation Act of 1980, 93 Stat. 1017(P.L. 96-130, November 30, 1979), § 116 and Military Construction Appropriation Act of 1981, 94 Stat. 186(P.L. 96-436, October 13, 1980, § 118.

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The purpose of this test and a second test scheduled for the end of May is to enable the Air Force to determine how soils in the Great Basin will be able to respond under dynamic (blast and shock) loads. This information will be used by the Air Force to design shelters for that particular area. Thus, the Air Force appears to be evading the specific prohibition in the legislation by spending funds for the design of a site specific facility.

In brief, it appears that one, and perhaps two agencies, the Department of Interior and the Air Force, have knowingly participated in a series of subterfuges in order to circumvent both the spirit and the letter of the law.

I trust that the appeal filed from granting those permits issued by the Las Vegas District Office in April will stay the permits by reason of 23 C.F.R. § 4.21. The Ely District Office now has before it TUP No. 81-11, filed by contractors for the Corps of Engineers to undertake land survey work, environmental work and investigation to determine the potential aggregate resources areas and alignments for the designated transportation network. The subject matter of the application is MX related and appears to be site specific design activity.

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This application should be denied, and if already granted, should be stayed pending the appeal which will be filed in the case of granting the application.

I would appreciate it if you would notify me promptly of the action you intend to take in response to this letter. I request that the proposed cooperative agreement between the BLM and Air Force authorizing further MX activities, tentatively scheduled to be signed May 15, 1981, not be executed until the solicitor has an opportunity to review this letter. In the meantime, I would be pleased to discuss the matter further with you if you believe such discussions would be fruitful.

Sincerely yours,

Arthur Brunwasser

Arthur Brunwasser

AB:mw

cc: The Honorable Robert Burford,
Director, Bureau of Land Management

Edward P. Spang,
State Director, Nevada

Certified Mail, Return Receipt
Requested

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SUBMITTED IN BEHALF OF THE
NEVADA CATTLEMEN'S ASSOCIATION

THE FEDERAL LAND POLICY MANAGEMENT ACT AND AIR FORCE TEMPORARY USE PERMITS ON THE PUBLIC LANDS

The Air Force and its contractors are conducting a number of testing, survey and study activities in potential MX deployment areas of Nevada and Utah. Many of these activities, although purportedly related to the environmental impact assessment process, are actually pre-construction activities. The Bureau of Land Management (BLM) admits that it cannot issue permits to the Air Force under Section 302(b) of the Federal Land Policy Management Act (FLPMA) to use the public lands for these activities. The BLM has nonetheless granted permits to Air Force contractors to perform these activities.

This memorandum will first describe the activities now taking place on the public lands and then discuss FLPMA's prohibition of Federal agency use and certain exceptions which do not apply. It concludes that Air Force activities on the public lands are illegal under FLPMA because Congress has not yet authorized MX deployment in Nevada; nor has Congress authorized the Air Force study and testing activities.

I. AIR FORCE TESTING AND STUDY ACTIVITIES

For two years, the Air Force and its contractors have been digging, drilling, trenching and even blasting in the potential deployment area. There is public written information only when the Air Force has obtained permits or prepared environmental documents. "Casual use" which does not disturb the land surface does not require a permit, although there is evidence that the Air Force has casually disturbed the land without permits.

A. Permits

The largest number of temporary use permits (TUPs) have been issued for aquifer and water resource studies. Fugro, the Air Force's water resources contractor, has obtained permits from the BLM to drill test wells, 300 to 1,200 feet deep, with 8 to 10 inch steel casing. Smaller observation wells are drilled approximately 500 feet away to measure pumping effects from the main well on the aquifer. Drilling mud pits are up to 50 feet long, 10 feet wide and 8 feet deep. The sites for the test wells are approximately 3 acres. The experimental drilling program will leave cased wells in place which will be capped.

The Air Force is also conducting seismic studies or geotechnical surveys. Trenches are dug across suspected faults in order to inspect the bedrock for fault related features. The trenches are 200 to 500 feet long, 20 feet deep and 4 feet wide; a nearby spoils pile is required; the activity site is approximately 60 feet by 1000 feet. Trenches are filled after a one week inspection.

Other TUPs have been issued for aggregate studies, wind monitoring, air quality monitoring, soil electrical conductivity tests, and acoustical background tests.

The aggregate studies conducted by the Army Corps of Engineers (e.g. TUP NV 040-TUP-81-11, Ely District Office, pending, and TUP N-5-81-27, Las Vegas District Office, granted

4/7/81) seem to be unrelated to the environmental studies required by NEPA. The Corps describes its activity as "land survey work, environmental work and investigation to determine the potential aggregate resources areas and alignments for the designated transportation network." This is a pre-construction survey of precisely how and where to build the road network and thus runs afoul of the prohibition against site-specific design in §118 of the 1981 Military Appropriation Act, (P.L. 96-436, October 13, 1980). (See below p. 10). This activity also violates the requirement in NEPA to give good faith consideration to alternatives.

B. Ralston Valley Blasts

Finally, the Air Force is conducting blasting tests of soil compressibility. On April 17, 1981, an explosion was detonated in Ralston Valley to determine how Great Basin soils respond to blast and shock. Ralston Valley was selected for the blast site because extensive geotechnical work had already been done by Fugro on that site, and, according to the Air Force, because its geological characteristics are typical of potential MX valleys. (Letter from Kenneth B. VanDillen, Col. USAF, to David M. Weiman, Nevada Cattlemen's Association, April 20, 1981, page 2).

The first Ralston Valley test required grading and construction of a 400 foot wide test bed on a site approximately 2,000 feet by 1,000 feet. An additional test will occur in late May/early June.

It appears that the Ralston Valley tests are site-specific; they are being used to design "rattle-space" aspects of the MX shelter consistent with soil properties in the Great Basin. Similar soil material properties testing has already been undertaken at White Sands Missile Range and in Arizona.

A temporary use permit for the tests was sought by the Air Force and denied by the BLM District Office. Ultimately the April test was conducted pursuant to a cooperative agreement dated March 23, 1981 between the Air Force and BLM. It does not recite any facts showing that the test is similar to or closely related to the programs of the BLM. The Air Force agreed to give notice to the BLM, Nye County Commissioners and E. Wayne Hage, who both holds a grazing allotment and owns a water well close to the test site. BLM agreed to issue a press release on the same day that it sends an implementing letter to the Air Force. The cooperative agreement and the Ralston Valley test have been challenged on NEPA grounds by the Public Lands Legal Foundation.

C. Congressional Oversight

On April 13, 1981, Congressman Jim Santini wrote identical letters to Verne Orr, Secretary of the Air Force and James Watt, Secretary of the Interior. The letters protest the Ralston Valley bombing tests because of serious questions about the legal validity of the March 23, 1981 cooperative agreement. Congressman Santini notes that the use of a cooperative agreement to facilitate these tests is inappropriate and inconsistent with the language and legislative intent of FLPMA. He observes that the Air Force admits the serious problem of the lack of authority for BLM to allow the Department of Defense to use public lands short of withdrawal or rights of way. Congressman Santini also notes that the second blast in Ralston Valley is extremely close to Tonopah's water supply, and that the Las Vegas bombing and gunnery range only 9-1/2 miles away could be used as this is land already under Air Force control. As of May 7, 1981, there was no response to Santini's letter.

William Shafer, a consultant to the House Interior and Insular Affairs Committee, wrote a memorandum on November 17, 1980 to Congressmen Udall, Santini and Marriott. He notes that the practice of issuing TUPs to contractors rather than the Air Force is little more than a subterfuge to get around an admitted inadeqvacy in the law.

Shafer's memorandum attaches a November 7, 1980 letter from Edward B. Spang, State Director of the Nevada BLM office. Spang notes that all Air Force activities, those under TUPs and "casual," have caused a rapid deterioration of roads in the potential deployment area. The letter acknowledges that BLM has no authority to issue TUPs to federal agencies and requests legislative authority to do so.

A similar letter to Shafer was written by the State Director for Utah, enclosing a memorandum which also notes that BLM lacks authority to issue TUPs to the Air Force. Thus, the BLM state directors in both Nevada and Utah recognize their lack of legal authority to issue TUPs to the Air Force.

Other than the Ralston Valley test, all activities described have been pursuant to permit. These permits are described on the form as a temporary use permit, are issued for a term and are revocable. The permits state that they are subject to the regulations governing special land use permits, 43 C.F.R. §2920. As noted below, special land use permits are no longer available to Federal agencies under 43 C.F.R. §2920. There is, therefore, no statutory or legislative authority to issue TUPs to the Air Force at the present time.

II. FLPMA's PROHIBITION OF FEDERAL AGENCY USE OF THE PUBLIC LANDS

In 1976, Congress enacted the Federal Land Policy Management Act, P.L. 94-579 (FLPMA). The purposes of FLPMA include tight Congressional control over withdrawals, establishment of rules and regulations for the use of the public lands, and adjudication procedures to assure adequate third party participation in administrative decision making. 43 U.S.C. §1701(a)(5). FLPMA represented a change in direction of federal land policy toward retention and management of federal lands, rather than disposition.

The first proviso in §302(b) of the Act, (43 U.S.C. §1732(b)) limits use of the public lands by Federal agencies other than the Department of the Interior. The House Interior Committee staff reports that there had been a history of Federal agencies (particularly the military) using BLM lands under unlimited temporary use permits, resulting in _de facto_ withdrawal of public lands. To curtail this practice, FLPMA limited the circumstances in which Federal agencies could use BLM lands. FLPMA also expressly revoked any implied authority in the executive branch to make land withdrawals based on Congressional acquiescence. (P.L. No. 94-579, §704(a)). FLPMA thus reflected Congress' intent to assert statutory control over federal agency land uses.

Before FLPMA, Federal agency use of the public lands was subject to informal procedures and an early land decision reported at 44 L.D. 513 (January 13, 1916). This land decision held that a mere preliminary survey of the lands for a government agency right-of-way was insufficient to devote the land to public use. The Solicitor required actual construction or appropriation of funds and plans for immediate construction in order to establish the Federal right-of-way. 44 L.D. 515. In practice, under 44 L.D. 513, Federal agencies followed an "appropriation" procedure for public right-of-way on federal lands. Once money was allocated for a specific right-of-way on federal lands, the right-of-way was considered to be established. This decision has been eliminated by the more specific rules of FLPMA, 43 U.S.C. §§1732(b) and 1767.

In summary, prior to FLPMA, use permits were granted to other federal agencies under regulations governing special land use permits (SLUPs). The pre-FLPMA version of the SLUP regulations recognized this practice and incorporated the rule of 44 L.D. 513. 43 C.F.R. §2920 (revoked, January 14, 1981). After FLPMA, the SLUP regulations were rewritten to apply only to non-Federal use of the public lands. 43 C.F.R. §2920.0-1 (as revised, January 14, 1981).

A. The Prohibition of Federal Agency Use

Rights-of-way, withdrawals and cooperative agreements are the three methods available under FLPMA for other Federal agencies to use BLM lands. §302(b) of the Act gives the Secretary of the Interior general management power over the public lands. The first proviso of §302(b) limits Federal Agency use of public lands:

> "...unless otherwise provided for by law, the Secretary may permit Federal departments and agencies to use, occupy, and develop public lands only through rights-of-way under section 1767 of this title, withdrawals under section 1714, and where the proposed use and development are similar or closely related to the programs of the Secretary for the public lands involved, cooperative agreements under section 1737(b);..."
>
> 43 U.S.C. §1732(b)

Section 302(b) does not authorize the Secretary to grant TUPs to Federal agencies. Because temporary uses are elsewhere referred to in FLPMA [e.g. 43 U.S.C. §1764(a)], it is clear that Congress intended to prohibit issuance of TUPs to other Federal agencies.

B. Legislative History: The prohibition against issuing TUPs to Federal agencies first appeared in the House version of FLPMA as Section 202(f)(1) of H.R. 13777. (Legislative History of FLPMA, Senate Committee on Energy and Natural Resources, 95th Cong. 2d Session, No. 95-99, April 1978, p. 238). It was included in H.R. 13777 as reported from Committee, (id. at p. 340), and as passed by the House. However, the House Committee Report contains no discussion of the prohibition on Federal agency use. (Id. at p. 436). The prohibition was included in S.B. 507 as rewritten after conference between the House and the Senate; it is not otherwise mentioned in the legislative history volume prepared for Senator Jackson. (Id.)

The Air Force has recognized that the prohibition of §302(b) is applicable to its MX activities in the Great Basin. In the last session of Congress, the Department of Defense made efforts in the House Interior Committee to amend §302(b) to add temporary use permits to the uses permitted other Federal agencies. According to the House staff, this effort failed because DOD was unwilling to define "temporary" in a limiting sense. Because this attempt failed, the only legal avenues available to the Air Force to justify its use of the public lands are to show that its current testing and sampling activities in the Great Basin are (1) "otherwise provided for by law," (2) authorized as "rights-of-way," or (3) pursuant to a cooperative agreement for programs similar or closely related to those of the BLM. Withdrawal is not applicable, because no withdrawal application has been filed.

C. "Otherwise Provided for by Law"

Under the proviso, Congrss can "otherwise provide" and thereby permit the Air Force to use public lands. However, there is no explicit Congressional authorization for MX use of BLM lands in Nevada. Rather, Congress has specifically prohibited use of 1981 MX appropriations for "the design of any site-specific facilities for the MX missile system" until the NEPA process is complete (Section 118 of Military Construction Appropriation Act of 1981, 94 Stat. 1863, P.L. 96-436, October 13, 1980). Because many of the Air Force activities on the public lands involve site-specific design of facilities for the Multiple Protective Shelter (MPS) basing system in the Great Basin, they are not only unauthorized but specifically prohibited.

It would be difficult for the Air Force to argue that Congress has _implicitly_ "otherwise provided" because the prohibition of §302(b) is stated in strong terms, and because of the general rule against implication. However, §118 of the 1981 Military Construction Act, _supra_, specifically required compliance with NEPA.

It may be argued by the Air Force that implicit authority to use the public lands is contained in §118 and NEPA in that environmental studies requiring the use of the public lands are "otherwise provided by law." As a practical matter, the Air Force cannot gather the environmental data and information required under NEPA without access to the public lands. However, "casual use" which does not disturb the land surface (*infra*, p. 12) is sufficient to gather most information needed for NEPA purposes. Some current Air Force activities exceed those necessary for NEPA studies, for they appear to be directed at designing a site specific MPS before the final first tier EIS is filed.

The Air Force may claim that the Engle Act, 43 U.S.C. §155-58 requires information to be submitted to Congress for a military withdrawal and that FLPMA also requires certain information for withdrawals. 43 U.S.C. §1714; 43 C.F.R. §2310.3-2(b). The Air Force may claim that gathering information required for withdrawals under the Engle Act and FLPMA requires access to the public lands. When and if the Air Force decides to submit a withdrawal application, the use of TUPs would still be improper. The regulations governing withdrawals under FLPMA do not authorize TUPs for the purpose of preparing withdrawal applications. A different device is used for the withdrawal procedure. The regulations refer to the prohibition on Federal agency use of §302(b) and contemplate a cooperative agreement for the environmental studies required in connection with a withdrawal application. *See* 43 C.F.R. §2300.0-3(a)(4) and §2300.0-3(b)(4). But under §302(b), the Secretary may execute cooperative agreements only for purposes "similar or closely related to the programs *of the*

Secretary...". (emphasis supplied). MX deployment is not a program of the Secretary or the BLM. It is a military program; the public lands may not be used for military programs without a specific provision of law.

D. Rights-of-Way

The Air Force cannot obtain rights-of-way for its current activities on the public lands. BLM can issue rights-of-way under 43 U.S.C. §1767 only for purposes listed in Title V of FLPMA. 43 U.S.C. §1702(f). None of these purposes apply to current Air Force activities on the public lands. 43 U.S.C. §1761.

The Air Force will be required to obtain a right-of-way for the MX road system. The BLM regulations governing rights-of-way permit certain pre-application activities termed "casual uses" on the public lands without a permit. These include: "(1) vehicle use on existing roads; (2) sampling; (3) marking of routes or sites, including surveying; or (4) other activities that do not unduly disturb the surface or require the removal of vegetation." 43 C.F.R. §2802.1(d). The activities described in section I clearly are not "casual," as they disturb the land surface and require the removal of vegetation. Therefore, they require proper legal authority before they may take place. Rights-of-way under FLPMA may not be granted for these activities.

E. Cooperative Agreements

The proviso in §302(b) of FLPMA authorizes the Secretary of the Interior to enter into cooperative agreements "where the proposed use and development are similar or closely related to the programs of the Secretary for the public lands involved." 43 U.S.C. §1732(b). The types of programs which are similar or closely related to those of the Secretary are described in the House Committee Report on FLPMA. According to the House Committee, the types of activities appropriate for cooperative agreements are "fire prevention and supression, law and regulation enforcement, supervision of the range especially in intermingled land areas, and construction of facilities." (House Report No. 94-1163 at 16, Leg. Hist. at 446). Obviously, the Air Force's current activities go far beyond this scope.

A cooperative agreement was executed March 23, 1981 for the Ralston Valley tests. It fails to recite that the Ralston Valley tests are similar or closely related to the programs of the Secretary of the Interior. Of course, they are not even remotely related to any DOI programs. Congressman Santini's April 13, 1981 letter to Secretaries James Watt and Verne Orr notes:

> "I think it is quite obvious that the Air Force test explosions are not even remotely related to the programs of the Secretary of Interior. The use of the cooperative agreement to facilitate these tests is completely inappropriate and inconsistent with both the language and the legislative intent of FLPMA."
> (P. 1)

Neither the Department of the Interior nor the Air Force has responded to this letter.

BLM and the Air Force are now considering an omnibus cooperative agreement in an attempt to legitimize the Air Force activities prohibited by §302(b). This end run around Congress' prohibition in §302(b) is improper because the proposed use and development are totally inconsistent with BLM programs. Significantly, the proposed agreement does not cite any specific statutory provision authorizing the BLM to execute an agreement in its present form. In fact, BLM has already formally stated that a cooperative agreement is inapplicable to the MX multiple protective shelter program in Nevada and Utah. Responding to a request from the House Public Lands Subcommittee for a description of the legal mechanisms for Air Force use of public lands, the BLM referred to §302(b) and noted:

> "A cooperative agreement could not be used because FLPMA restricts the use of cooperative agreements to uses which are similar or closely related to programs of the Secretary of the Interior. The MX missile system is not a program similar or closely related to programs of the Department of Interior".
>
> The MX Missile System Oversight Hearings before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, House of Representatives, 96th Congress, 1st and 2d Sessions, Serial No. 96-30, at 184 (1980).

None of the activities described in this memo are similar or closely related to the BLM programs for the Nevada public lands. The BLM cannot simply paper over its lack of legal-authority to permit Air Force activity. As of April 3, 1981 the proposed cooperative agreement gives the Air Force free rein by using "letters of authorization" to legitimize

Air Force activities without any limitation that Air Force activities be similar or closely related to those of the BLM. This would be in effect a blank check for Air Force use of the public lands, a result clearly prohibited by §302(b) of FLPMA.

III. CONCLUSION

The purpose of the MX program is a military one which is antithetical to the programs of the Secretary of the Interior. Under §302(b) the public lands cannot be used for a military purpose without specific congressional authority. Because Congress has not authorized specific MX deployment in Nevada, and particularly in light of the specific congressional prohibition on site specific design of the MPS, the Air Force's activities are illegal and unauthorized.

The Air Force cannot seriously contend that its contractors can undertake on its behalf activities prohibited to the Air Force itself. Courts have always prohibited public agencies from doing indirectly that which they are prohibited from doing directly. (E.g. United States v. San Francisco, 310 U.S. 16, 60 S.Ct. 749, 84 L.Ed. 1050 (1940).) To engage in such subterfuge is a violation of basic principles of honesty and legality.

For the foregoing reasons, all Air Force activities in Nevada which are not "casual" should cease forthwith, and the BLM and the Secretary of the Interior should revoke all outstanding TUPs granted to the Air Force and its contractors. If MX activities on public lands are necessary at this time, the Air Force must seek legislative authority from Congress.

DATED: May 14, 1981

Respectfully submitted,

Arthur Brunwasser

ARTHUR BRUNWASSER

Peter W. Sly

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May 14, 1981

District Manager,
Bureau of Land Management
United States Department of
the Interior
4765 Vegas Drive
P. O. Box 4500
Las Vegas, Nevada 89102

Re: Temporary Use Permits and Cooperative Agreements Relating To MX Deployment TUP N5-81-31

Dear Sir:

Please be advised that this office represents the Nevada Cattlemen's Association and its members, including the following individuals who either reside in or conduct their cattle ranching operations in your district: Ken Lee of Panaca and Fred M. Jenkins of Pioche, Nevada.

This letter is intended to constitute an appeal from granting the above permit to Ertec Western, Inc.

The reason for the appeal is that you have no authority to issue the permit and the intended use is not authorized by law. The details of the reasons for this appeal are set out in my letter to you of May 12, 1981. In addition, I am enclosing a copy of a memorandum outlining the detailed reasons why there is no legal authority.

I trust that this notice of appeal will stay the permit by reason of 23 C.F.R. §4.21 pending adjudication of the appeal by the Board of Land Appeals.

Would you kindly notify me promptly of the action you intend to take to process the appeal.

Sincerely yours,

Arthur Brunwasser

Arthur Brunwasser

AB:mw

Certified Mail, Return
Receipt Requested

Enclosure

ARTHUR BRUNWASSER
ATTORNEY AT LAW
240 STOCKTON STREET, THIRD FLOOR
SAN FRANCISCO, CALIFORNIA 94108
TELEPHONE (415) 391-2203

May 15, 1981

District Manager,
Bureau of Land Management
United States Department of
  the Interior
4765 Vegas Drive
P. O. Box 4500
Las Vegas, Nevada 89102

Re: Temporary Use Permits and Cooperative Agreements Relating To MX Deployment
TUP N5-81-31

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APPENDIX II

FRIDAY, JUNE 12, 1981

ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD

STATEMENT OF
JOHN B. CROWELL, JR., ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT U.S. DEPARTMENT OF AGRICULTURE

Before the Subcommittee on Public lands and National Parks
Committee on Interior and Insular Affairs
United States House of Representatives

June 12, 1981

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I appreciate the opportunity to appear before the Subcommittee to discuss with you the public land policies of the Administration and to outline how they will be carried out by the Department of Agriculture in its management of the lands within the National Forest System.

I know that some have publicly expressed fears that this Administration is unlikely to bring a sense of balance to shaping policy and to making decisions with respect to the National Forests. I can assure the Committee that I will do my very best to discharge with sound judgment, economic good sense, and with honor the responsibilities laid upon me. It is within that context that I will outline the views of this Administration concerning several National Forest issues.

The policies and programs that will provide the basic resource management direction during this Administration are now being shaped. Many of the concepts are broad, and will be worked out and refined in the coming months. I will briefly summarize the broad philosophy of this resource direction and then highlight how it relates to some of the major National Forest System activities that are of particular interest to this Committee.

The Forest Service, through the National Forest System -- the largest single forest manager in the Nation -- must be a leader in applied forest management for all the multiple uses. It is this Administration's firm conviction that the National Forests have the capability to contribute a great deal more to the economy of this Nation than they have been called upon to contribute in the past. It is also our conviction that this can be done without damage to the environment. For example, protection of soil and water values and healthy wildlife and fish populations are attributes I consider as essential parts of a well-managed, productive forest.

This Administration will emphasize productivity. And, we define productivity to include all resource uses, not just commodities. We are committed to making National Forest System lands working lands. We will attempt to return optimum benefits in dollars, outputs, and uses. This does not mean that every multiple use must carry its own cost. Only timber, minerals, forage, and some forms of developed recreation are likely to do so directly. However, we are trying to develop better ways to measure benefits against costs for non-commodity uses, such as recreation and wildlife.

This Administration is committed to making the market system work. We believe the market system is preferable to restrictive mechanisms. We believe a person should have a freedom of economic choice.

The Forest Service will try not to undercut the private sector in providing products or services. For example, we are currently re-examining the recreation user fees to bring them in line with actual direct costs and to reduce competition with the private sector. Rather than compete with the private sector we hope to strengthen our relationships and to seek new approaches for involving the private sector in providing recreation opportunities on the National Forests. We also have to clarify and finish up "old business" such as the RARE II process. We expect Congress to continue its consideration of the RARE II lands. I will discuss this in greater detail later in my testimony.

Before I move on to the specific issues and concerns, I would like to reaffirm this Administration's commitment to multiple use. The National Forests are designated, by law, for multiple use. The 1960 Act put the long-standing practice into statute. Multiple use was carried even farther in the Resources Planning Act and the related National Forest Management Act. These individual laws are the threads of our natural resource legal fabric. They remain the basis of the Nation's public lands policy--no matter what Administration is in the Presidency. This Administration strongly supports these laws and is committed to implementing them.

LONG-TERM PLANNING

The Administration endorses the concept behind the Forest and Rangeland Renewable Resources Planning Act (RPA)--that a comprehensive long range plan can contribute to an organized and logical approach to renewable resource management and protection. We believe that such planning is important to the future well-being of the Nation. Further, the Administration supports the general process embodied in the Resources Planning Act as amended by the National Forest Management Act which seeks to relate results and benefits directly to costs to help determine desirable program levels and directions. The two planning cycles under the RPA have been learning experiences. Progress has been made, but much more needs to be accomplished to realize the full benefit of this comprehensive planning process.

The 1980 RPA Assessment and Program were transmitted to Congress in June 1980. In November 1980, Congress approved a Revised Statement of Policy which established goals for the timber and range resources. We support the objectives contained in the Revised Statement of Policy for achieving increases in outputs over the long-term from the National Forests. We believe such increases must be accomplished in a cost-effective manner. We are as concerned about the productivity of Federal outlays as we are about the productivity of Federal lands, and will seek each year to produce Program outputs at the lowest feasible costs. The Forest Service has instructed its field units to carry out the forest land management planning effort so as both to identify opportunities and to provide a means for eventually achieving the Revised Program's goals.

The FY 1983 budget, now being developed, will be the first opportunity that this Administration will have to deal with the broad array of objectives and issues presented by the RPA process in the light of the personnel and financial resource constraints that are required by the President's Program for Economic Recovery.

Forest Land Management Plans are being prepared and are scheduled for completion during 1983. The completion of these plans is one of our highest priorities because the size and extent of many of our programs will rely substantially upon the data and other information they will contain. Work is underway to update the RPA Program in 1985. The land management plans will provide important information that will help improve the 1985 Program. Planning by individual States as well as research planning will also be reflected in the 1985 updated Program.

We are learning as we carry out these planning processes. We will seek ways to make them more useful and efficient. I want to underscore two important needs that the forest management plans will provide: (1) identification of the best opportunities for implementing or revising the 1981-85 RPA Program and, (2) a refined display of opportunities to consider for the 1985 RPA update.

I would now like to address a number of resource issues of interest to this Committee.

WILDERNESS

I am concerned that future generations of Americans have available to them the bountiful abundance generated from our forests and rangelands that we presently enjoy. Among these riches are a variety of outdoor recreation opportunities that the National Forest System is uniquely suited to provide. These opportunities range from activities associated with the modern, developed recreation facilities to the peaceful timelessness of vast wildernesses. I believe we can set aside more areas for wilderness purposes, but such new wilderness should generally not be lands which have productive capability for other urgently needed goods and services, including more intensive forms of recreation opportunity. The wilderness classification process should not be used as a mechanism to prevent or delay other resource uses. An area should contain substantial wilderness qualities to be considered for formal classification.

For the most part, the RARE II wilderness recommendations developed by the Forest Service identified areas of high wilderness quality and low resource tradeoffs. We believe the RARE II recommendations so developed provide the essential basis for congressional consideration of additional wilderness designations.

This Administration will not undertake yet another Roadless Area Review and Evaluation, nor are major modifications of the RARE II recommendations contemplated. This Administration does intend, however, carefully to consider and to evaluate legislative proposals for additions to the Wilderness System. The Administration is concerned about potential consequences of additional wilderness designations on the long-term availability of resources including timber, minerals, oil and gas, geothermal resources, developed recreation, wildlife and fish, and forage production. The costs to society of foregoing benefits from those resources as well as the benefits of wilderness designation need to be carefully evaluated in every instance. The availability of wilderness administered by other agencies also needs to be considered as we look at specific proposals.

As the Congress considers wilderness proposals, the Administration will be relying on the professional judgment of the Forest Service to analyze the resource implications of these proposals. We intend to support Congressional designation of wilderness areas recommended from the RARE II Process where such designations will not significantly affect availability of resources and local and National economies.

The recent testimony of Deputy Secretary Lyng regarding wilderness designations is indicative of the general approach we intend to follow. He indicated that in Washington State we concur with designating nine new wildernesses and wilderness additions totaling approximately 233,500 acres in that State, which already has 1.5 million acres in wilderness and 1.6 million acres of roadless lands in National Parks. We did, however, object to the Cougar Lakes and Boulder River proposals where we believe other resource values and uses outweighed designation as wilderness.

The status of approximately 15.4 million acres of roadless and undeveloped lands in the National Forest System recommended for wilderness or further planning in the lower 48 States, remains to be resolved. This includes 7 million acres recommended as a result of RARE II for wilderness designation, 6 million acres identified for further study, and 2.4 million acres which Congress had earlier mandated as areas to be studied for possible inclusion in the Wilderness System.

RARE II also identified 36 million acres to be managed for multiple uses other than wilderness. We urge the Congress to complete its consideration of the areas recommended for wilderness. With regard to the further planning areas, I believe completion of Forest Land Management Plans is the best way to resolve the use on these lands. In this way we can systematically examine the factual evidence of each area's resource values as well as provide the interested public with an opportunity to express their views. And finally, Congress should affirm management of the 36 million acres of roadless area for multiple uses other than wilderness.

To summarize--for more than 10 years, most of the 62 million acres considered in RARE II, almost one third of our National Forest System, have been in a planning limbo of studies, lawsuits, and repeated studies. With increasing national demands for both renewable and nonrenewable resources, we can no longer afford further delays. The resulting uncertainty is having a severe impact on public and private investments, which are essential to meeting the Nation's demand for wood, on exploration for and development of mineral and energy resources, on range capability, on wildlife management, and on the expansion of developed recreation opportunities.

We believe it is essential to end this uncertainty. We believe the quickest way to do that would be to provide in law that the 36 million roadless acres that were designated for nonwilderness be managed for uses other than wilderness.

We strongly support legislation under consideration in the Senate, such as S. 842 and as H.R. 3358 recently introduced in the House. We believe such statutory direction is necessary to avoid legal entanglements such as the California v. Bergland lawsuit which prolongs indecision. The cumulative effects of wilderness and wilderness study designations and challenges to use of nonwilderness roadless areas are having significant impacts on the ability to plan for orderly management of the National Forests to provide a predictable flow of essential goods and services. This proposed legislaton does not tie the hands of any future Congress from enacting wilderness legislation. It does provide for a much needed end to the frustrating cycles of delay and uncertainty which have thrown our forest resource planning and management out of balance. We also support the provisions of this legislation which set specific time limits for Congressional action both on pending wilderness recommendations and on recommendations for additional wilderness which may be generated from the further planning process. We likewise support the concept that after those dates, it is proper that National Forest System lands be managed for multiple uses other than wilderness unless they have been specifically designated as wilderness.

It is the Administration's position that the concepts embodied in S. 842 and H.R. 3358 are of such importance that no additions to the wilderness system should be made without providing at the same time equally assured status to unroaded lands designated for multiple uses other then wilderness in RARE II, or which may not be recommended for wilderness as a result of the further planning process.

TIMBER

More than ever, greater demands are being placed on the National Forests to provide a variety of goods and services. This is particularly true of timber and timber products. The RPA assessment projected substantial increases in domestic and world demand.

Looking into the future, National Forest timber must play an increasing role in meeting the American people's needs for wood products along with full employment and a healthy economy.

As a part of the land management planning process, we are analyzing a wide range of alternatives to arrive at the best balance of resource uses. We believe there are significant opportunities to increase National Forest timber production, primarily in the Pacific Northwest, through a more rapid replacement of slow growing, overmature timber with vigorous young growth stands. Concurrently, we are analyzing the latest technology in growing and harvesting trees fully to utilize and increase the productivity of the National Forests.

I will comment briefly, on our responsibility under the Wild and Scenic Rivers Act.

WILD AND SCENIC RIVERS

The Wild and Scenic Rivers Act was passed in October 1968, and established a national system of protected free flowing rivers. The Act designated eight rivers as components of the system and 27 for study as possible components. The system has grown in 13 years to encompass 61 rivers and 88 study rivers. The Forest Service is responsible for the management of 11 of the component rivers and shares management responsibility with Interior Agencies on 5 others. Of the 88 study rivers, The Forest Service has the lead responsibility for 31 studies and shares the lead on 3 others.

Several of the river studies have been completed. It is our intent to submit our recommendations based on these studies. A major provision of our Wild and Scenic Rivers proposals will be that no funds will be requested for land acquisition on newly designated rivers (except for emergencies) until completion of the comprehensive management plans for each river. Management plans will seek to identify means of protecting the Wild and Scenic River values without necessarily resorting to purchases. This approach is more supportive of the Admininstration's objectives of reducing government spending and land acquisition.

ROADS

The Administration, members of Congress, and the public have expressed concern over the cost of the Forest Road Program.

This Administration will make a major effort to reduce costs while maintaining programs outputs. However, we have no intention of abandoning the long-term goal of providing the economically sound, permanent transportation system so necessary for optimum utility of the forest resources.

The Forest Service at the National level has identified potential savings in road reconstruction, specified lower standards to which roads are to be built, changed road survey standards, and revised road surfacing requirements.

The Forest Service, at the field level, is in the process of reexamining transportation system needs. We expect to show significant cost reductions.

TRAILS

Passage of the National Trails System Act in 1968 established policies and procedures for developing a national system of trails on public and private lands. This system includes four kinds of trails: (1) Scenic, (2) Historic, (3) Recreation, and (4) Connecting trails. The Act designated the Appalachian Trail and the Pacific Crest Trail as National Scenic Trails. It designated 14 trails for study as possible National Scenic Trails. An amendment to the Act in 1978, added the Historic Trail category, designated four trails under the new category, and added the Continental Divide National Scenic Trail. We administer over 300 National Recreation Trails and two National Scenic Trails--the Pacific Crest and Continental Divide. We have responsibility for studying the Nez Perce Historical Trail and to coordinate with the Department of the Interior in studying and managing other designated trails. In addition, we have approximately 95,000 miles of trails built over many years as part of the total transportation network which are now used for recreation. This trail system provides the American people with a network of trails so they can experience the widest possible variety of environments, seasons of the year, and modes of travel. It is our intent to manage this trail system so as to provide a wide spectrum of recreation opportunities for trail users in harmony with other resource management programs. We have opportunities more fully to utilize volunteer groups for trail construction and maintenance than has been done in the past. Through such cooperative efforts with trail interests, the cost of upkeep of the entire system can be contained, yet opportunities for trail use enhanced for many areas.

I will now discuss several other key resources areas.

RECREATION

Recreation Use

The Forest Service is the largest single supplier of outdoor recreation in the Nation. Two hundred and thirty-three million visitor days of recreation use occurred on the National Forests in 1980. This use results from a wide variety of experience opportunities making use of a wide range of improvements.

The Forest Service concentrates on providing recreation opportunities toward the primitive end of the opportunity spectrum. We look to the private sector to provide needed facilities and services whenever the service to be offered and the profit potential are attractive opportunities for private capital. An excellent example is the ski area where private capital provides the facilities for year-round services used by millions of people.

Recreational facilities with the capacity to handle a total of 850,000 people at one time are operated and maintained by the Forest Service. Facilities with a capacity to handle an additional 650,000 people at one time are operated on National Forest System lands by the private sector. In addition, substantial recreation facilities are operated on private land within or adjacent to the National Forests.

With rapidly increasing use, we have a major challenge effectively and efficiently to manage and maintain our existing recreation facilities. As agencies of the Department of the Interior are doing, we, are searching for the best methods to meet this challenge.

We also have opportunities through our visitor interpretative services to interpret, for the public the uses and activities that occur within the National Forest System.

Private Sector Recreation Partnership

We have a good working relationship with the private sector in providing recreation opportunities on the National Forests and are continually seeking new and innovative ways to increase private sector involvement. There are currently over 1,800 permits in force on the National Forests for a great variety of commerical services including resorts, marinas, outfitters, campgrounds, and ski areas. Permittees have made capital investments of over $750 million. In turn, they annually pay fees to the Treasury of over $6 million. In addition, there are several hundred organization camps on the National Forests such as the Scouts, 4H, and Campfire Girls. The private sector has traditionally played an important role in providing recreation services and facilities on or adjacent to the National Forests.

Recreation Fee Collections

Our policy on recreation use fees is to work toward increasing user fees to bring them in line with costs and to reduce competition with the private sector and, thus, stimulate recreation investment on private land.

This year we have designated a total of 1,942 individual fee areas. The fees range from $2 to $8 per family unit per day. We have increased the number of $4 sites from 65 to 185 and the number of $5 sites from 12 to 51. Last year nearly $7 million was collected in fee receipts. We have 16,100 recreation residence permits. Recreation residence fees are fixed at 5 percent of the value of the land area occupied. In 1980, these fees amounted to nearly $4 million. Inflation, more than anything else, has created a situation which calls for periodic increases in fees for recreation residence permits.

Recent increases have been substantial and are an aggravation to the permit holder. The Forest Service is trying to be as fair as possible in balancing the concerns of permit holders and the need to provide a fair return to the Government for the exclusive use of the land.

GRAZING

There are opportunities on National Forest System lands to increase grazing use. It is our intent to increase range carrying capacity to the extent that benefits to the public are commensurate with the costs. Through our management, we will seek to rehabilitate and maintain all lands in a healthy, productive condition.

LANDS

Acquisition

An important aspect of our program is our lands acquisition program. Land acquisition through purchase will be significantly reduced both under the President's economic recovery program and because of the Administration's belief that only in cases of clear demonstrable public need or public benefit should additional land pass from private to public ownership. However, there remains a need for some additional specific land adjustments either to carry out mandates of existing law or to provide more efficient management of nearby federally owned lands. We will do the best we can to meet these needs while limiting costs.

Exchange

Realignment of National Forest System landownership patterns through land exchange is a cost effective program. We anticipate an increase in the land exchange program to ease the impact of a reduced land acquisition program. Negotiations are already underway to resolve through exchange some "emergency" land acquisition situations in Congressionally designated areas such as in the Sawtooth National Recreation Area and the Sandia Mountain Wilderness. We are also reviewing on a nationwide basis land adjustment opportunities with the Bureau of Land Management.

Small Tracts Legislation

We will emphasize the resolution of numerous encroachments on National Forest System land and disposal of certain lands which are too fragmented to manage efficiently. Small tracts legislation now being considered by the Congress, such as H.R. 3021, will provide additional tools for handling such situations. Consequently, we urge passage of such legislation.

MINERALS

The Department of Agriculture, through the Forest Service, has responsibility for land management aspects of mining activities. This management is much more complex than administration of other National Forest resources over which the Forest Service has direct and complete jurisdiction. Our objective is to integrate the development and use of mineral resources with the use and conservation of all other forest resources to the extent possible under the laws governing mineral disposal. All mineral permits and leases issued by the Forest Service or for which consent is given or recommendations are made to Interior, endeavor to enable removal of the mineral while protecting other important values and provide for reasonable revegetation of disturbed areas. It is estimated that 15 percent of the potential domestic energy resources are located on National Forest System lands. There are about 50 billion tons of coal underlying the National Forests with about one-fourth of that amount susceptible to surface mining. Based upon the 1980 volume of United States coal production of 835 million tons, this tonnage approximates a 60-year supply. On the Thunder Basin National Grasslands in Wyoming, four large surface mines are operating and five more are expected to be in production by 1984. There are 10 underground coal mines operating on the Manti-LaSal National Forest in Utah. Oil and gas accounts for a great deal of activity on National Forest System lands. At the end of FY 1980, existing leases covered over 18 million acres.

Large areas of both the western and eastern overthrust belts are within the National Forests and current industry interest has resulted in processing large numbers of lease applications. We are committed to a timely processing of these applications and to making decisions on leasing and operations promptly with a minimum of paperwork and without unnecessary reviews. Recently, "Standards, Criteria, and Guidelines" were issued for considering oil and gas and other mineral lease applications in designated wilderness, proposed wilderness, and Congressionally mandated wilderness study areas. These Standards were issued pursuant to section 4(d) (3) of the Wilderness Act of 1964 and section 262 of the Energy Security Act of 1980. Their purpose is to consider leasing alternatives while protecting the wilderness character through reasonable stipulations, surface occupancy limitations, or denial of leasing on grounds of site-specific evaluations.

Mining of the so-called hard minerals whether leasable or locatable under authority of the Mining Laws contribute to both the national mineral needs and to economic well being. There are about 40 large operating or developing mines within the National Forest System. Regulations (36 CFR Part 252), promulgated in 1974 to provide for surface and renewable resource protection in connection with the mining laws, provide guidance for administering mining activity. These regulations have generally proved to be very acceptable and workable from both the mining industry and the Department's standpoint. Operating plans for any activity causing surface disturbance must be submitted and approved before work can begin. Environmental Assessments or Environmental Impact Statements are generally prepared for exploration and development activities. As a measure of the volume of National Forest System minerals contribution to the Nation's economy, returns to the U.S. Treasury for FY 1980 from lease rentals and royalties was over $87 million.

WILDLIFE AND FISH

National Forest System lands provide significant opportunities for the public enjoyment of the wildlife and fish resource which contributes to the Nation's economy. As a result of increasing public demand and recognition of the

National Forests as major producers of fish and wildlife, habitat management programs have increased considerably during the past decade. The National Forests are also important to the well being of some threatened and endangered species. The recovery for some species is almost totally dependent on habitat management on the National Forests.

As the demand for wildlife and fish oriented recreation increases, and the price of these activities on private lands becomes prohibitive for more Americans, public lands will play an increasingly important role in providing this opportunity. This Administration will continue to recognize the importance of fish and wildlife on the National Forests. Major emphasis will be placed on increased coordination of wildlife and fish management with other resources activities. We will also emphasize the anadromous fish program with its importance to commercial interests, sportsfishermen and other Americans.

Finally, we will work closely with the States in coordinating, as appropriate, wildlife and fish programs.

WATERSHED MANAGEMENT

Watershed management on the National Forests will continue to stress protection of soil productivity, water quality, and favorable water flow conditions. Additional emphasis will be placed on identifying and implementing management practices designed to protect beneficial uses of water and to maintain stable, productive soils needed to support recurring production of goods and services. The need to improve watersheds in poor condition will be recognized. Opportunities for water yield augmentation as a part of other resource uses such as timber harvest and range management activities will continue to be given careful consideration.

In conclusion, I would like to emphasize that management of the National Forest System lands for their various resource values is now more important than ever before. These lands are being called on to supply more minerals, wood, recreation, grazing, wilderness, water, fish, and wildlife. Maintaining the land and its resources in a productive state is extremely important both now and in the future. Careful blending of resource uses and activities requires accurate resource information, comprehensive planning, and professional management. I intend to emphasize and give support to the strength of professional resource management available in the Forest Service. I believe we can move ahead to meet both the environmental and product needs of the Nation.

Mr. Chairman and members of the Committee, this concludes my prepared statement. I will be happy to respond to questions you may have concerning the resource activities I discussed or other programs of the Forest Service.

QUESTIONS FOR THE U.S. DEPARTMENT OF AGRICULTURE

FROM

CONGRESSMAN DON CLAUSEN

1) In your statement on page 9, you said, "We believe there are significant opportunities to increase National Forest timber production, primarily in the Pacific Northwest, through a more rapid replacement of slow growing, overmature timber with vigorous young growth stands."

Do you support temporary departures from nondeclining yield levels by harvesting a larger portion of the high volume old-growth timber inventory. In particular, do you plan to pursue such a policy with respect to the Six Rivers National Forest to help offset the impact of the Redwood National Park expansion?

2) Also on page 9 of your statement you state that, "A major provision of our Wild and Scenic Rivers proposals will be that no funds will be requested for land acquisition on newly designated rivers (except for emergencies) until completion of the comprehensive management plans for each river. Management plans will seek to identify means of protecting the Wild and Scenic River values without necessarily resorting to purchases."

Will this policy apply to the five California rivers designated as wild and scenic by Secretary Andrus?

What will be your general policy with respect to timber management in these areas?

3) On page 6 of your statement you state that "We intend to support Congressional designation of wilderness areas recommended from the RARE II Process where such designations will not significantly affect availability of resources and local and National economies." I am particularly pleased that you include local economies. Do you agree that it is not enough just to look at the overall impact of a statewide bill and that you must look at individual areas in terms of the impact on local businesses?

4) What is the current status of the Blue Creek Appeal? When do you expect a decision to be made?

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

AUG 10 1981

Honorable Don H. Clausen
House of Representatives
Washington, D. C. 20515

Dear Congressman Clausen:

Thank you for the opportunity to respond to your recent questions following an oversight hearing of the Subcommittee on Public Lands and National Parks on June 12. Your questions related to public land policies in the Department of Agriculture.

Your first question related to the Department's position regarding temporary departures from nondeclining yield. I strongly support temporary departures from nondeclining yield levels to speed up the harvest of over-mature timber stands and replace them with young vigorous stands. During the development of Forest plans, the Forest Service will be identifying and analyzing departures on a large number of National Forests, including the Six Rivers National Forest. Particular consideration will be given to the impact of the Redwood National Park in evaluating the need for and magnitude of a departure on the Six Rivers National Forest.

A major provision of our Wild and Scenic Rivers proposals will be that no funds will be requested for land acquisition on newly designated rivers (except for emergencies) until completion of the management plans for each river. This policy applies to the five California rivers added to the national system under the authority granted the Secretary of the Interior by Section 2(a)(ii) of the Wild and Scenic Rivers Act. Section 2 of the Act states in part "Each river designated under clause (ii) shall be administered by the State or political subdivision thereof without expense to the United States other than for administration and management of federally owned lands . . .." Section 6 of the Act grants authority to the Secretary responsible for administration of a component river to acquire lands or interests in lands when such rivers are designated by an act of Congress. Therefore, we do not plan for any land acquisition within the boundaries of the five California rivers for wild and scenic river purposes. Undoubtedly, there will be some future land adjustments along segments of the river where such adjustments further National Forest purposes and are in the public interest.

Timber management activities on Federal lands within the boundaries of component rivers or on lands viewed from the river are not precluded by the Act. However, in general, our policy is to manage the timber resource to protect and enhance the values of the river which caused it to be included in the national system. The intensity of resource management activities largely depends on the classification of the river or river segments. Generally, a "wild" classification would allow a minimum of man-caused intrusions, a "scenic" classification would allow slightly more intensive resource use, and a "recreational" classification would allow a full range of resource use as long as the river values are protected. The management plans for the California rivers, which would be developed in cooperation with the State, will establish the degree of management intensity. The objective will be to protect the river values without limiting other uses that are consistent with the purposes of river designation.

In response to your concerns about RARE II, this Administration fully supports a reasonable and timely resolution of the wilderness issue. As a part of our assessment in preparing recommendations on pending wilderness bills, we will look at each individual area and the effect of proposals on the local economy.

Your last question concerned the status of the appeal of Blue Creek Unit Plan. The Chief, Forest Service, is reviewing the Regional Forester's decision of February 19, 1981, to re-affirm the Forest Supervisor's decision to adopt the Blue Creek Unit Plan. Requests for time extensions by appellants to file pleadings in the appeal have extended the expected date of the Chief's decision to September 15, 1981. Subsequent discretionary review by the Secretary could add another 10 days to 2 weeks. The administrative review process would then be completed by October 1, 1981.

Your interest in the management of the National Forest System is appreciated.

Sincerely,

JOHN B. CROWELL, JR.
Assistant Secretary for
Natural Resources and Environment

APPENDIX III

TUESDAY, JUNE 23, 1981

ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD

STATEMENT OF G. RAY ARNETT, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS, HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, JUNE 23, 1981

Mr. Chairman and members of the Committee, I am G. Ray Arnett and I am pleased to have this opportunity to appear before you. In my remarks I would like to share with you my general philosophy about government and in particular about my role as Assistant Secretary for Fish and Wildlife and Parks. For your further edification, I have also attached to my prepared statement a biography outlining my experience and qualifications.

First, let me say that I consider it a privilege to serve in this Administration whose objectives are the same as all of ours--To build a stronger, better America. Toward that end, I'll do my best to help our Nation achieve these goals and carry out what I fervently believe is its unique destiny.

Secondly, I want to point out that practically all of my adult life has been spent in the field of conservation. I was working aggressively, long before it became popular, to preserve, protect and promote the wise use of the fish, wildlife and park resources of our Nation for the benefit of all Americans. Having four children and three grandchildren, I have a vested interest in my lifelong work. We who have enjoyed nature's blessings must leave intact our country's rich heritage of natural areas and wild things. Nothing less will serve this Administration's objectives.

Because you have my full resume to be entered in the record, I will cite only two affiliations, both of which are especially relevant to the new job for which I am being considered. At the request of Ronald Reagan, I served as California Director, Department of Fish and Game, during his two terms as Governor of California. For seven years I administered the largest fish and wildlife agency in any state; 1500 full-time and 600 seasonal employees, and a budget of $60 million. My responsibility extended over a wonderful diversity of wildlife, a coastline of well over 2000 miles, 150,000 acres of wildlife areas, 400,000 acres of wetlands and a system of parks that covers 1 million acres. This experience has been invaluable, as California has had, in microcosm, virtually every fish, park and wildlife challenge that exists in the United States today.

A second affiliation is my 18-year association with the world's largest conservation education organization--the National Wildlife Federation--representing a membership of more than four million individuals with an interest in conservation and other issues relating to fish, wildlife and parks. The Federation has its national headquarters here in Washington, but its strength rests on its affiliate organizations in 50 states and three territories, and on its grass roots membership. This has been a sound, common sense organization. In fact, in the past, its moderate, balanced conservation policies have earned the respect of Presidents, Congress and state legislatures as far back as 1936.

Perhaps the most comprehensive statement I could make concerning the philosophy I bring with me to this job is that I believe it to be my responsibility, with the help of Congress and a dedicated staff, to ensure for all Americans the use and enjoyment--to the extent that their primary purposes are not violated or impaired--of our Nation's wildlife resources, our 77 million acres of national parks, including 10 national seashores, and our 89 million acres of national wildlife refuges.

But there are a number of other points I would also make:

I believe game species of wildlife can be harvested under regulations based on scientific management, without adversely affecting total populations.

I also believe efforts to protect our endangered and threatened species can be successfully conducted in a rational way and not at the expense of economic progress.

I believe the United States can and must continue its leadership role in regulating world trade in wildlife, and in the international protection of waterfowl and other wildlife species that migrate across national and international boundaries.

I believe the states have a right, and a responsibility, to manage their own resident populations of wildlife.

I further believe that we must manage the resources and park areas we already have in a balanced and environmentally sensitive manner. Quality of care is more important than quantity of holdings.

I will search for ways to minimize adverse impacts on natural resources assigned to my care and I will seek to maximize the recreational and aesthetic enjoyment of those resources for people everywhere.

I believe the Interior Department must work with the states in protecting, perpetuating and enhancing those fish, wildlife and park resources that are of great value to America and the envy of the rest of the world.

and finally, over the years I have learned the vital necessity of cooperation and coordination with sportsmen, environmental organizations, and other Federal agencies and states, to achieve success with land and wildlife management policies and programs.

To summarize, I feel that the job of the Assistant Secretary for Fish and Wildlife and Parks requires as much coordination and cooperation as it does administration. And I further feel that we must never forget that the bulk of our work must be done out in the states, where our wildlife resources and parks are located.

Mr. Chairman, we have a lot of hard work to do in the next four years and I look forward to working with this Committee as we strive to meet our obligations. This concludes my introductory statement, and I am available for any questions you may have.

BIOGRAPHY

G. Ray Arnett

G. Ray Arnett is an avid sportsman and outdoorsman who has devoted much of his life to the conservation, preservation and enhancement of wildlife. As a geologist, he roamed America's wild country and foreign countries exploring for petroleum. Later he was appointed by Governor Ronald Reagan to head the California Department of Fish and Game, where he served with distinction for seven years. He has served as a director of the National Wildlife Federation for 17 years, and two terms as president, retiring from that position in 1978. He has been affiliated with numerous state and national conservation organizations. He was one of the founders, and currently serves as Chairman of the Board of the Wildlife Legislative Fund of America, and its companion organization, the Wildlife Conservation Fund of America.

PERSONAL DATA

office address - Department of the Interior
Office of the Secretary, Assistant Secretary for Fish and Wildlife and Parks
18th and C Streets, Room 3156
Washington, D.C. 20240
phone: 202-343-4416

birthdate and place - June 14, 1924; Quantico, Virginia

children - Charlene Louise Parkinson, daughter, age 31
G. R. "Chip" Arnett, Jr., son, age 29
Sharon Elaine Arnett, daughter, age 24
James Randall Arnett, son, age 17

grandchildren - G. R. Arnett III, age 2 yrs. 8 months

MILITARY SERVICE

1942-1946, U.S.M.C. Joined as a Private at outbreak of WW II, served in South and South Central Pacific theater of operations; received field commission and returned from overseas to Officer's Candidate School (University of Southern California V-12 Program); awarded 2nd Lieutenant commission; honorable discharge, 1946. USMCR 1946-1950; 1950-1952 recalled to active duty during the Korean Conflict. Honorable discharge, 1952; resigned Captain commission, 1952.

AFFILIATIONS

PROFESSIONAL:

California Department of Fish and Game, Director (1969-1975)
American Association of Petroleum Geologists, Reg. No. 1258
American Institute of Petroleum Geologists

PROFESSIONAL:

California Advisory Commission on Marine and Coastal Resources
California Board of Registration for Geologists, Reg. No. 1500
California Condor Advisory Committee
California Environmental Quality Study Council
California Marine Advisory Committee
California Institute of Marine Resources
California-Oregon Goose Lake Compact Commission
California State-Federal Interagency Group (Water Development)
California Wildlife Conservation Board
Colorado River Wildlife Council (7 states)
International Association of Fish and Wildlife Agencies
International Oceanographic Foundation
Pacific Flyway Council
Pacific Marine Fisheries Commission
The Wildlife Society
San Diego-La Jolla (CA) Underwater Park Advisory Committee
Society of Exploration Geophysicists
U.S. Department of Agriculture, Agricultural Conservation Practices Committee
U.S. Department of State Fishing Industry Advisory Committee
U.S. Department of State International North Pacific Fisheries Commission
U.S. Department of State International Trawl Fisheries Committee
Western Association of State Game and Fish Commissioners (13 states and 2 Canadian provinces)
Zoological Action Committee

CONSERVATION/SPORTSMEN ORGANIZATIONS

National Wildlife Federation; President, Vice President, Regional Director, Life Member
National Wildlife Federation Foundation. Board Member
Wildlife Conservation Fund of America, Chairman of the Board
Wildlife Legislative Fund of America, Chairman of the Board
Mzuri Safari Foundation, Conservation Projects Advisory Board Member
Game Conservation International, Director
Wilderness Leadership School, Board of Governors
World Wilderness Congress; President, International Committee
Kern Wildlife Federation, Director
Kern County (CA) Fish and Game Protective Association, Director
Californians for Conservation and Recreation, Director
California Wildlife Federation, Director-at-Large
Ducks Unlimited Advisory Board, Kern County (CA); member
California State Chamber of Commerce, Natural Resources Committee; member
International Order of St. Hubert, Knight Commander
National Rifle Association of America, Life member
California Rifle and Pistol Association, Life Member
National Rifle Association of America, Hunting and Conservation committee; member

CIVIC:

Bakersfield (CA) Police Department, Commissioner
Children's Home Society of California, Director
Kern County (CA) Taxpayers Association, Director
Kern County (CA) Cancer Society, Director
Kern County (CA) Tax Coordinating Council, Director
A.I.D. United Givers, Director
Trade Club of Greater Bakersfield (CA), Director
Kern County (CA) Y.M.C.A.; Chairman, Special Gifts
Kern County (CA) Council B.S.A.; Director and Organization Extension Chairman
Petroleum Club of Bakersfield (CA), President and Director
Greater Bakersfield (CA) Chamber of Commerce, President and Director
B.S.A., Sierra Council, Special Interest Exploring, Chairman
Junior Achievement of Bakersfield (CA), Board of Governors
R.M. Pyles Boy's Camp, Director
S.P.E.B.S.Q.S.A., Inc., Bakersfield (CA) Chapter, President

SOCIAL:

Free and Accepted Masons of California, Libertas Lodge No. 466
Ancient and Accepted Scottish Rite of Freemasonary, Bakersfield (CA) Consistory
A.A.O.N.M.S., Al Makikah Temple, Los Angeles (CA)
Royal Order of Jesters, Court No. 119
Kappa Sigma Fraternity, Delta Eta Chapter (University of Southern California)
University of Southern California Alumni Association, Life Member
Arkansas Traveler, State of Arkansas Governor Award
Honorary Okie, State of Oklahoma Governor Award
Kentucky Colonel, State of Kentucky Governor Award
Saints and Sinners
Silver Dollar Club

AWARDS, CITATIONS, HONOR SOCIETIES

Sigma Gamma Epsilon (Honorary Earth Science Fraternity)
Society of the Sigma XI (Honorary Research Fraternity)
Skull & Dagger, University of Southern California All Mens Honor Society
Boy Scounts of America, Eagle Scout
Sportsmen Council of Southern California Award of Merit
Izaak Walton League, California Division, Award of Merit
City of Bakersfield (CA), Proclamation "December 2, Ray Arnett Day"
City of Bakersfield (CA), Meritorious Service Award
County of Kern (CA), Sportsman Service Award
County of Sacramento (CA), Special Citation of Merit
California State Legislature, Resolution of Commendation
California Department of Fish and Game, 1967 Certificate of Appreciation
Bakersfield (CA) Chamber of Commerce, Outstanding Service Award
California Rifle & Pistol Association, Award of Merit

AWARDS, CITATIONS, HONOR SOCIETIES (cont.)

California Rifle & Pistol Association, Outstanding Public Service Award
California Wildlife Federation, 1975 Sportsman Conservationist of California

HOBBIES

Hunting, Fishing, Dog Training, Skin Diving, S.P.E.B.S.Q.S.A., Inc.

EDUCATION

Grade schools in Virginia and California
Graduate of Point Loma High School, San Diego, California
1941-1942 U.C.L.A., Basic Engineering
1945-1949 U.S.C., Undergraduate and Graduate School

JAMES CRAIG POTTER

4A East Mason Avenue
Alexandria, Virginia 22301

Home: (703) 549-3950
Work: (202) 224-7220

PERSONAL — Single -- 37 Years Old -- Excellent Health

EMPLOYMENT HISTORY

January 1978 to Present

United States Senate, Washington, D.C.
Professional Staff, Senate Appropriations Committee

Minority counsel for Transportation Subcommittee (6/79-12/80), and Interior Subcommittee (1/78-6/79). Full range of activities associated with jurisdiction of both Subcommittees, including review of agency budget submissions and justifications, program oversight and investigative activities, extensive day-to-day contact with affected agencies, preparation and staffing for Subcommittee budget hearings, drafting of legislation, reports, floor statements, budget materials, reprogramming recommendations and correspondence, and staffing of all phases of Subcommittee work.

June 1977 to January 1978

United States Senate, Washington, D.C.
Professional Staff, Governmental Affairs Committee

Minority counsel for the Civil Service and General Services Subcommittee. Transferred to the Subcommittee following Senate reorganization. Substantively, activities were identical to those performed previously on the Post Office and Civil Service Committee.

November 1975 to June 1977

United States Senate, Washington, D.C.
Chief Counsel, Senate Post Office and Civil Service Committee

Counsel and advisor to Full Committee staff and members. Involved in all phases of Committee activities, including drafting, reviewing and managing legislation and report writing; speech writing and presentation; casework and correspondence; investigative and oversight activities.

1973 to 1975

Cheyenne, Wyoming
Lawyer

Began practice of law as Wyoming's first VISTA attorney in March 1973. Became full-time staff attorney for Legal Services for Laramie County, Wyoming in June 1973. Entered general private practice in October 1973, and was so engaged until November 1975. Emphasized Water Law and Administrative practice before Public Service Commission with much work involving Certificates of Public Convenience and Necessity.

1968 to 1970

ESB, Incorporated, Denver, Colorado
Product Engineer

Responsible for quality control in all phases of manufacture of a complete line of secondary storage batteries in a plant employing about one hundred people. Had direct supervisory authority over all hourly personnel and a testing laboratory.

Summer Work 1958 to 1965

Pursued an apprenticeship as an electrician when not in school. Became journeyman electrician in 1966 and continued to pay a large percentage of college and law school expenses working as a part-time electrician from 1966 to 1971.

EDUCATION

A.B., University of Illinois at Urbana - 1967
Major: Political Science (Pre-Law); Split Minor: History and Mathematics.

J.D., University of Wyoming at Laramie - 1972
Special Emphasis: Legislative draftsmanship, water law, and energy resource development.

PUBLICATIONS

"Masks and Men in Upper Volta", Finance. August 1977.

"Transferability of Reclamation Water Rights", article prepared for the Land and Water Law Review. 1971

MEMBERSHIPS AND ACTIVITIES

Wyoming State Bar, 1973 to Present. Admitted to practice before all Wyoming Courts, the Federal District Court for Wyoming, the 10th Circuit Court of Appeals and the U.S. Supreme Court.

Member of Board of Directors, Goodwill Industries, Inc. (Wyoming)

Traveled and worked in Southeast Asia as a member of an international YMCA delegation (1964).

References upon request.

P. DANIEL SMITH

815 Devon Place
Alexandria, Virginia 22314

Telephone: (Home) 836-6041 (Work) 225-6116

PROFESSIONAL EXPERIENCE:

August 1980 to Present	CONGRESSMAN DAVID F. EMERY (R-Maine). Legislative Assistant. Responsibilities include House Armed Services Committee matters, including Sea Power and Critical Materials Subcommittee. Other legislative areas include Energy, Transportation, Veterans' Affairs, Coast Guard, and Post Office and Civil Service.
June 1980-August 1980	SANTARELLI & GIMER - Consultant/Lobbyist. Represented the legal counsel for Safari Club International during Senate consideration of the Alaska National Interest Lands Legislation. Client concerned with aspects of the bill affecting hunting, wildlife management, and access on Federal lands in Alaska.
July 1978-May 1980	NATIONAL RIFLE ASSOCIATION/INSTITUTE FOR LEGISLATIVE ACTION. Federal Liaison/Governmental Affairs. Responsibilities included all legislative and regulatory aspects of firearms use and ownership at the Federal Government level. Assigned to provide information to 125 Congressmen and 25 Senators. Issue Manager for Federal Land-Use Policy: Alaska (D-2) Lands, RARE II (Wilderness), and BLM (Wilderness Inventory); Fish and Wildlife matters pertaining to the recreational aspects of sport hunting and conservation; Defense Appropriations for the National Board for the Promotion of Rifle Practice and Civilian Marksmanship Program.
November 1977-June 1978 and August 1975-May 1976	SENATE GOVERNMENTAL AFFAIRS COMMITTEE, SUBCOMMITTEE ON FEDERAL SPENDING PRACTICES AND OPEN GOVERNMENT. Minority Professional Staff Member. Responsibilities included legislative and administrative matters concerning Federal spending, procurement policy, and oversight of various dependent and independent agencies of the Federal Government. Investigations included: Armed Forces meat procurement, Food Stamp Program efficiency, Medicare Program efficiency, and Federal Trade Commission rulemaking procedures. Duties involved research, reports, cost/benefit analyses, and legislative drafting for hearings and case studies leading to various legislation enacted into law.

PROFESSIONAL EXPERIENCE: (Continued)

September 1970- January 1975	SENATOR SAM J. ERVIN, JR. (D-North Carolina). Staff Assistant/Office Manager. Responsible for administrative and legislative matters. Supervised staff in carrying out the daily routine of a Congressional office. Staff Assistant for military and veterans' affairs, grants, and small business problems affecting constituents. Coordinated personal staff and committee staff on matters involving Senator Ervin as: Chairman, Governmental Affairs Committee; Judiciary Committee; Armed Services Committee; and Chairman, Select Committee on Presidential Campaign Activities.

MILITARY SERVICE:

January 1969- August 1970	UNITED STATES ARMY. Lightweapons Infantryman/Personnel Specialist. Drafted and served in Republic of South Vietnam with the 4th Infantry Division. Military Occupational Speciality changed during tour of duty to provide staff support for Brigade Headquarters. Honorable discharge at rank of E-5.

PERSONAL:

Birth: June 20, 1946. Portland, Maine.
Marital Status: Married, no children.
Health: Excellent.
Interests: Sailing, backpacking, tennis, and sports officiating.

EDUCATION:

UNIVERSITY OF NORTH CAROLINA, Chapel Hill, North Carolina.

A. B., Political Science; 1968

M. S., Recreation Administration; 1977

REFERENCES FURNISHED UPON REQUEST

BIOGRAPHY - RIC DAVIDGE

Office of the Assistant Secretary for Fish and Wildlife and Parks
Department of the Interior, Washington, DC

EXPERIENCE

Special Assistant to the Assistant Secretary for Fish and Wildlife and Parks--April 1981 to Present. Principally responsible for National Park Service programs, Management by Objectives, and development of major national policies for land protection, historic preservation and recreation. Chairman of Department's Land Policy Group, Historic Preservation Work Group, and National Recreation Work Group. Secretary's representative on the President's Advisory Council for Historic Preservation, the Subcabinet Council on Barrier Island Policy, and other committees and commissions. Recognized expert on Federal land acquisition, application of Eminent Domain law and effects on private property rights and state and local governments.

Independent Lobbyist and Consultant, Washington, D.C.--March 1980 to April 1981. Served as Director of Governmental Affairs for the National Association of Property Owners, Managing Director for the National Inholders Association, and Program Director for the Institute of Human Rights Research. Private Consultant to several small property and home owner groups in Federal areas, and principal national participant in the "Sage Brush Rebellion." Consultant on land issues to Republican *ad hoc* Congressional Caucuses and member of the Conservation and Sportsmen Committee to advise the President during the campaign. Outside consultant to the Transition Team for Interior and the White House on national land policy issues.

Assistant to Senator Ted Stevens, Washington, D.C.--August 1978 to March 1980. Responsible for all special projects including a major investigation of national land acquisition policies and practices focused on Land and Water Conservation Fund agencies. Routinely reviewed legislation, prepared public policy, developed briefs, prepared floor statements and speeches, and made voting recommendations to the Senator.

Leadership Positions with Statewide Education Organizations and the University of Alaska (UA)--1974 to 1978. Chief Executive, facilitator and lobbyist for 30,000 member UA Student Lobby (1978). Member of UA Board of Regents by Gubernatorial appointment (1977-78). Chairman and member of UA Statewide Budget Review Committee (1975-77). President of UA Associated Students (1974-75).

Chairman, Commission on Public Transit, Fairbanks, AK--August 1975 to August 1976. Developed and implemented new comprehensive public transit system for Fairbanks North Star Borough.

Government Intern, Pipeline Impact Information Office, Fairbanks, AK--September 1975 to January 1976. Researched and assessed socio-economic impacts of Alaska pipeline construction on the community of Fairbanks.

EDUCATION

MPA	Coursework completed, University of Alaska, Juneau, 1976-78
BA	Theater, minor in Music, University of Alaska, Fairbanks, 1975

PERSONAL

Born March 20, 1946; wife, Nancy; sons, Richard and Patrick

Honorably discharged; US Army, 1969 (Flight Operations Specialist, ATC; Paramedic, Vietnam; Drill Instructor)

Former professional singer, dancer and actor (worked with Andy Williams, Bob Hope, Red Skelton, Johnny Mann, Ann-Margaret, Chris Noel and others).

RIC DAVIDGE

3429 Tulane Drive, Apt. 24, Hyattsville, Maryland 20783
Home (301) 422, 8430   Office (202) 659-2861, 62

SUMMARY OF BACKGROUND AND ACCOMPLISHMENTS:

Skilled in all facets of PUBLIC ADMINISTRATION, including lobbying, Capitol Hill, environmental impact, legislation review, public policy analysis, research, and writing. Highly knowledgeable about Alaskan affairs; knowledge and study ability is transferrable to many fields. Able to work well with senior-level staff. Previously had professional career in entertainment as a singer, dancer, and actor; have familiarity with ARTS PROGRAM MANAGEMENT. Have an outgoing personality and work well with people from diverse backgrounds. Am accomplishment oriented in all my work.

PROFESSIONAL EXPERIENCE:

Legislative Assistant, Senator Ted Stevens, Washington, D.C.
Perform legislation review; develop briefs, make recommendations on how the Senator should vote; prepare public policy analyses and papers. (August, 1978 to March, 1980)

Facilitator/Lobbyist, The Alaska Student Lobby, Juneau, Alaska
Chief executive of 30,000 person organization. Lobbied Alaska state government legislature and agencies on issues related to students, educational policy, and other areas. Drafted legislation and regulations, researched issues, coordinated public relations and media contacts. *Was founder and first Facilitator.* (January, 1978 to July, 1978)

Member, Board of Regents, University of Alaska
Appointed by Governor as full member of 11-person state-wide University governing body. Served on Community College Committee and Educational Policy Committee. Participated in decision-making in budget development/analysis/implementation, policy development, legislative proposal review. (September, 1977 to January, 1978)

Member, University of Alaska Statewide Budget Review Committee
Review program budget development and requests, recommend actions. Started University of Alaska on Zero Base Budget philosophy and set up process. Independently developed and designed statewide Management Information System in gross design and narrative. System is now required by law for development within three years. (1975 to 1977, Chairman, 1975-1976)

Chairman, Commission on Public Transit, Fairbanks, Alaska
Developed and implemented a new comprehensive public transit system for the Fairbanks North Star Borough. Prepared policy analysis, developed and presented budgets, presented proposals, negotiated and reviewed contracts. Presented final system proposal to Borough Assembly. (August, 1975 to August, 1976)

Government Intern, Pipeline Impact Information Office, Fairbanks, Alaska
Researched and wrote assessments of the socio-economic impact of the Alaska Pipeline construction on the community of Fairbanks. (September 1975 to January 1976)

President, Associated Students of the University of Alaska, Fairbanks, Alaska
Managed $200,000 budget for all student activities and programs. Developed and implemented programs. Accomplished establishment of minimum wage for students, developed child care program. Participated in all policy formuation within the University. (April, 1974 to August, 1975)

OTHER EMPLOYMENT:

Manager, Student Housing, University of Alaska
Developed effective student housing program. Wrote housing information and regulation booklet. Developed all forms and procedures still in use. (January, 1977 to July, 1978)

Lecturer in Dance, University of Alaska
Taught 6 courses in dance, choreographed dances for television. (September, 1975 to May, 1976, September, 1976 to August, 1978)

Manager, Lead Singer, USO Overseas Tours, Hollywood, California
Developed a touring show for the Pacific. Managed production, content, and performance of shows. (1970)

EDUCATION:

Coursework completed for MASTER OF PUBLIC ADMINISTRATION degree, University of Alaska at Juneau.

BACHELOR OF ARTS IN THEATRE, minor in Music, University of Alaska at Fairbanks.

Twelve years private instruction in dance and theater.

PERSONAL:

Born March 20, 1946. Married, Excellent health. Honorably discharged from United States Army, October, 1969. One child (Nov 15, 1978) another due May '81

Have worked professionally as a dancer and singer with Andy Williams, Red Skelton, Bob Hope, Johnny Mann, Ann-Margret, and Chris Noel.

References are available upon request.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

March 12, 1981

Memorandum

To: Director, Geological Survey
Director, Fish and Wildlife Service

Through: Assistant Secretary-Energy and Minerals
Assistant Secretary for Fish and Wildlife and Parks

From: The Secretary Jim Watt

Subject: Transfer of Lead Agency Responsibilities for the Arctic National Wildlife Refuge Report and Exploration Regulations

This is to designate the Director of the USGS as the lead Federal agency for preparing the Arctic National Wildlife Refuge Oil and Gas Report required under Section 1002(h) and the exploration regulations required under 1002(d) of Title 10 of the Alaska National Interest Lands Conservation Act (16 USC 3101). That responsibility was previously assigned to the Director of the FWS and is transferred to the Director of the USGS, effective immediately. I am taking this action based on a thorough review of the legislative requirements and in light of the respective mission and expertise of the USGS and FWS. Based on that review, I have concluded that the USGS is the most appropriate Interior Bureau for preparing the report, drafting the regulations, and preparing the EIS on exploration regulations. In the preparation of the report, USGS is directed to involve and utilize the Office of Minerals Policy and Resource Analysis.

The FWS shall retain responsibility for preparing the baseline fish and wildlife study required under Section 1002(c) and its concurrence shall be required on the regulations. That study is to include an analysis of the potential impacts of oil and gas exploration, on the wildlife and habitat of the study area. The exploration assumpitions for that study are to be developed by the USGS and provided to FWS within 60 days. I recognize the need for a continuing inventory and assessment of fish and wildlife values to evaluate the changing dynamics of the study area ecosystem. That should not impede, however, the preparation of the baseline study. Much data is available and maximum utilization is to be made of the data collected relative to the Alaska National Interest Conservation Lands Act, the Alaska Natural Gas Line proposal and such other information as may be available. The baseline study is to be completed and the findings published, no later than December 1981. In view of the environmental nature of the study and the requirement for a formal EIS on regulations, an environmental analysis on the baseline study is unnecessary.

Work is to begin immediately on drafting the exploration regulations. The principal objective of the regulations is to assure that exploration is carried out in a manner that avoids significant adverse effects on the fish and wildlife resources of the area. The Director of USGS shall prepare regulations which achieves that objective in the most cost efficient manner. Of course, these regulations shall be modified as necessary following completion of the Section 1002(c) study. It shall be the USGS Director's responsibility to approve exploration plans with concurrence of the FWS. It is my goal that the regulations be in place to allow for exploration to begin no later than December 1982. The regulations and EIS are to be final no later than July 1982. This should allow industry sufficent time to prepare and submit their plans prior to December 1982. Plans cannot be approved until after December 2,1982. The EIS shall pertain to decisions on plan and permit approval, as well as the regulatory aspectof exploration activities. In accomplishing this work the Directors shall assure that close consultation is effected between their respective bureaus and the State of Alaska, Native villages and regional corporations in the region and the North Slope Borough.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

March 12, 1981

Memorandum

To: Assistant Secretary-Land and Water Resources
Assistant Secretary for Fish and Wildlife and Parks
Assistant Secretary-Energy and Minerals

From: The Secretary Jim Watt

Subject: Development of an Oil and Gas Leasing Program for Non-North Slope Federal Lands in Alaska

Section 1008 of the Alaska National Interest Lands Conservation Act of December 2, 1980 (Public Law 96-487; 94 Stat. 2371), directs the establishment of an oil and gas leasing program on Federal lands in Alaska that are outside the National Park System, the National Petroleum Reserve-Alaska, the Arctic National Wildlife Refuge, and the study area described in Section 1001 of the Act. In view of the continuing energy crisis and this Administration's interest in becoming independent of reliance on foreign oil supplies, it is essential that we implement this program immediately.

In accordance with Section 1008 of the Act, action must be initiated immediately to identify at the earliest possible date areas in Alaska within the National Wildlife Refuge System and on lands administerd by the Bureau of Land Management which should be leased for the exploration and development of oil and gas.

The Assistant Secretary, Land and Water Resources, in cooperation with the Assistant Secretaries for Fish and Wildlife and Parks, and Energy and Minerals, shall develop a schedule by July 1, 1981, which will permit competitive and/or noncompetitive leasing within the next two years. The schedule should describe the steps that must be undertaken before such leases could be issued and the estimated time frames required for each. The schedule need not identify areas to be leased.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

March 12, 1981

Memorandum

To: Director, Bureau of Land Management

Through: Assistant Secretary–Land and Water Resources

From: The Secretary Jim Watt

Subject: Expedited Review and Analysis of Lands in Alaska Closed to Appropriations

Most lands in Alaska administered by the Bureau of Land Management (BLM) have been closed to all forms of appropriation for more than 10 years pending settlement of Alaska Native claims and the establishment of new national parks, wildlife refuges, forests, wild and scenic rivers, and wilderness.

As a result of this long closure, I believe a quick review and analysis is now needed of all BLM lands in Alaska which can be administratively opened under the public land laws, the mining laws, and the Mineral Leasing Act of 1920. Lands to be considered are primarily those currently withdrawn pursuant to Section 17(d)(1) of the Alaska Native Claims Settlement Act.

This review and analysis should (1) attempt to identify specific lands which can be opened, (2) describe to what extent and under which form of appropriation these lands should be opened, (3) include a schedule showing the type and extent of the opening that can be completed within this calendar year, and (4) contain an explanation of why other areas which can be opened by administrative means should not, in your view, be opened.

The analysis should also take into consideration the impact that opening lands would have on entitlement yet to be satisfied under the Alaska Statehood Act, the Alaska Native Claims Settlement Act, and various provisions of the Alaska National Interest Lands Conservation Act. It should also take into account State, Native, and public views to the extent permitted within the review and analysis period.

It is my understanding that you have already initiated these actions. In an attempt to minimize the delays in State and Native conveyances that the review and analysis will precipitate, you are requested to complete them by April 15, 1981.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

March 12, 1981

Memorandum

To: Director, Bureau of Land Management

Through: Assistant Secretary-Land and Water Resources

From: The Secretary Jim Watt

Subject: Alaska Wilderness Reviews

As you are aware, Section 1320 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2371, 2487) eliminates the wilderness review provisions of Section 603 of the Federal Land Policy and Management Act of 1976 for lands administerd by the Bureau of Land Management (BLM) in Alaska. Section 1320 also gives the Secretary discretionary authority to identify and make recommendations to Congress regarding areas in Alaska which he determines are suitable as wilderness and for inclusion in the National Wilderness Preservation System.

In an exercise of the discretionary authority and in light of the exhaustive wilderness reviews that have taken place in Alaska over the past eight years, I have decided that no further wilderness inventory, review, study, or consideration by the Bureau of Land Management is needed or is to be undertaken in Alaska, except in those areas where study is mandated in legislation.

United States Department of the Interior
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

March 12, 1981

Memorandum

To: Director, Bureau of Land Management

Through: Assistant Secretary-Land and Water Resources

From: The Secretary

Jim Watt

Subject: Alaska State and Native Conveyance Programs

The President has committed this Administration to the goal of recognizing the rights of the States and private enterprises to manage their own affairs. In order to meet this commitment, it is imperative that we fulfill our obligations to these entities.

The State of Alaska and the Native corporations formed under the Alaska Native Claims Settlement Act have entitlements that have not yet been satisfied. Until these entitlements are fulfilled, the goals of this Administration cannot be realized. Therefore, the State and Native conveyance programs in Alaska must continue to be a top priority of this Department. To maintain this priority, the Department will provide a reasonable support necessary to achieve significant accomplishments in terms of acres conveyed.

In addition to whatever support the Department is able to provide, it is possible that the State of Alaska may authorize and appropriate funds to be contributed to the Department to assist and expedite the State conveyance program. These funds would constitute a supplement to the Department's present program. Efforts to develop a cooperative agreement with the State of Alaska should be undertaken immediately to permit the Department to accept funds for this purpose.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

March 12, 1981

Memorandum

To: Solicitor

From: The Secretary Jim Watt

Subject: Alaska Litigation

I am most interested in establishing good relationships with the States as part of my "good neighbor" policy. In case of Alaska, the Department now has an excellent opportunity to work cooperatively and harmoniously with the State toward our mutual objectives. In this spirit, I am directing you to review carefully all ongoing lawsuits between the State or an individual or organization which affects the use of Alaskan lands and the Federal Government where the Department is a party with a goal of resolving the issues in litigation out of court. It is my hope that the Federal Government can now turn from past disagreements with the State in order to concentrate its efforts in assisting in the exciting future of the forty-ninth State.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

March 12, 1981

Memorandum

To: Assistant Secretary for Fish and Wildlife and Parks
Assistant Secretary-Territorial and International Affairs
Assistant Secretary-Land and Water Resources

From: The Secretary Jim Watt

Subject: Proposed Caribou Treaty and Wolf Management

I have been reviewing the wildlife issues in the State of Alaska and have identified two issues which merit an early explanation of this Administration's position:

1. Proposed United States/Canada Caribou Treaty - Various provisions including Secion 306 of the Alaska National Interest Lands Conservation Act direct the Secretary to conduct studies that concern barren-ground caribou herds that have been known to migrate between the United States and Canada. These same provisions also require a level of consultation with the Government of Canada. Until a thorough review of the requirements of the Act is completed, the scope of the required studies is determined, and the nature of the consultations with Canada is decided upon, it is in appropriate to move ahead with the treaty with Canada regarding protection of the Porcupine Caribou herd. If through the studies, it is concluded that a treaty with Canada is appropriate, the presently dormant negotiations should be revived. The State should play a significant role and be actively involved in any subsequent negotiations with Canada on this matter.

2. Wolf Population Control - The Department maintains that the State of Alaska has the primary responsibility to manage resident wildlife on lands administered by BLM in Alaska to the extent that it does not interfere with habitat management. We intend to hold to this position to the extent permitted by law.

You are directed to take appropriate actions to ensure that bureau level activities conform to these policies.

National Park Service
Reports to Congress

Title of Report:	Authority for Report:	Due Date or Frequency:
Feasibility study of De Korte State Park for inclusion in the National Park System	P.L. 96-442 94 Stat. 1887	Oct. 1, 1983
Boundary Revisions for Valley Forge NHP, Pennsylvania	16 USC 410aa-1	Prior to any revision
Wilderness Study for Voyageurs NP, Minnesota	16 USC 160f(b)	Apr. 8, 1979
Wilderness Study for Big Cypress NPres., Florida	16 USC 698l	Oct. 11, 1979
Wilderness Study for Big Thicket NPres., Texas	16 USC 698d	Oct. 11, 1979
Effect of a hydroelectric project on Sequoia NP, California	16 USC 45a-1	Feb. 6, 1984
Boundary Revisions for Klondike Gold Rush NHP, Alaska-Washington	16 USC 410bb	Prior to any revision
National Visitor Center, Washington, D.C.	40 USC 805(b)	Annually
Land Exchanges at Cape Cod NS, Massachusetts	16 USC 459b-1(c)	As required
Proposed Awards of Concession Leases or Contracts Involving $100,000 or More, or Exceeding Five Years; and Related Rules and Regulations	16 USC 17b-1	60 days prior to final action
Recommendations for Additions to the National Wild and Scenic Rivers System, pursuant to P.L. 93-621	16 USC 1276(b)	Oct. 2, 1979
Recommendations for Specific Additions to the National Trails System	16 USC 1244(b) P.L. 95-625, sec. 551(10)	Sept. 30, 1982
Boundary Revisions for Ninety Six NHS, South Carolina	16 USC 461 Note	Prior to any revision
Development Plan for Ninety Six NHS, South Carolina	16 USC 461 Note	Within 2 years of establishment

Title of Report:	Authority for Report:	Due Date or Frequency:
Agreements to Transfer Jurisdiction over National Park System Lands or Interests	16 USC 1a-3	60 days prior to agreement
Reports on Potential Areas for Inclusion in the National Park System	16 USC 1a-5	Annually
Development Program for Facilities in Each Unit of the National Park System	16 USC 1a-7	Annually
Use and Development Plan for Congaree Swamp NM, South Carolina	P.L. 94-545, sec. 5	Oct. 18, 1979
Notice of Boundary Changes: Acquisition, Transfer, and Exchange of Lands, Waters, or Interests Therein of Areas in the National Park System	16 USC 460l-9(c)	Prior to any final action
Notice of Land Acquisition in Redwoods NP, California, Based on Finding of Potential Physical Damage to Park Resources	16 USC 79b(c)	Prior to action
Notice of Acquisition of Land, Contracts, or Cooperative Agreements Related to the Redwoods NP, California	16 USC 79c(e)	Prior to action
Status of Actions Taken to Implement the Provisions of P.L. 95-250, Relating to Redwoods NP, California	16 USC 79m(a)	Annually until Jan. 1, 1989
Statement on Funds Expended on Activities Relating to Lowell NHP, Massachusetts	16 USC 410cc-13	Semi-annual
Management Plan for Lowell NHP, Massachusetts	16 USC 410cc-21(b)	Oct. 17, 1981
Report on Loans, Grants, and Technical Assistance Provided to Lowell NHP, Massachusetts	16 USC 410cc-33(e)	Annually
Boundary Revisions for Chattahoochee River NRA, Georgia	16 USC 460ii P.L. 95-344	Prior to any revision
General Management Plan for Chattahoochee River NRA, Georgia	16 USC 460ii-4 P.L. 95-344	Aug. 15, 1981
Proposed National Park System Projects for Transportation Exceeding $100,000	16 USC 2302(c)	60 days prior to action

Title of Report:	Authority for Report:	Due Date or Frequency:
Report on Effects of Transportation Projects on Communities Adjacent to National Park System Units, and Recommendations for Future Projects	16 USC 2305 P.L. 95-344	Aug. 15, 1981
Boundary Revisions for War in the Pacific NHP, Guam	16 USC 410cc(b) P.L. 95-348	60 days prior to action
General Management Plan for War in the Pacific NHP, Guam	16 USC 410cc(h) P.L. 95-348	Aug. 18, 1980
Study of Additional Areas Associated with the World War II Pacific Campaign for Inclusion in the National Park System	16 USC 410cc(h) P.L. 95-348	Aug. 18, 1983
Report on Land Acquisition for Mineral King Valley Addition to Sequoia National Park, California	16 USC 45f(c)(7) P.L. 95-625, sec. 314(c)(7)	Sept. 30, 1983
General Management Plan for the Santa Monica Mountains NRA, California	16 USC 460kk(t) P.L. 95-625, sec. 507(t)	Nov. 10, 1980
Report on Ownership, Management, and Operation of the Santa Monica Mountains NRA, California	16 USC 460kk(m) P.L. 95-625, sec. 507(m)	Jan. 1, 1982
Study of Guam National Seashore, Guam	P.L. 95-625, sec. 501	Nov. 10, 1980
Recommended Additions to Palo Alto Battlefield NHS, Texas	P.L. 95-625, sec. 506	June 30, 1979
General Management Plan for Friendship Hill NHS, Pennsylvania	P.L. 95-625, sec. 509(c)(2)	Nov. 10, 1981
General Management Plan for Maggie L. Walker NHS, Virginia	P.L. 95-625, sec. 511(e)(2)	Sept. 30, 1982
Comprehensive Management Plans for the National Scenic or Historic Trails Designated Pursuant to 16 USC 1244	16 USC 1244(e),(f) P.L. 95-625, sec. 551(15)	Within 2 fiscal years of designation
Management Plan for Upper Delaware Scenic and Recreational River, New York and Pennsylvania	16 USC 1274, Note P.L. 95-625, sec. 704(c)(6)	90 days prior to the effective date
Recommendations for Additions to the National Wild and Scenic Rivers System as listed in 16 USC 1276(a)(59) to (72)	16 USC 1276(b)(3) P.L. 95-625 sec. 736	Sept. 30, 1984

Title of Report:	Authority for Report:	Due Date or Frequency:
Recommendations for Designating the Salt, Verde, and San Francisco Rivers to the National Wild and Scenic Rivers System	16 USC 1276(b)(3) P.L. 95-625, sec. 736	Apr. 30, 1981
General Management Plan for Jean Lafitte NHP, Louisiana	16 USC 230g(b) P.L. 95-625, sec. 908(b)	Nov. 10, 1981
Plan of Acquisition for New River Gorge National River, West Virginia	16 USC 460m-17 P.L. 95-625, sec. 1103	Nov. 10, 1980
General Management Plan for New River Gorge National River, West Virginia	16 USC 460m-22 P.L. 95-625, sec. 1109	Nov. 10, 1981
Final Master Plan for San Antonio Missions NHP, Texas	16 USC 410ff(f)(2) P.L. 95-629, sec. 201(f)(2)	Nov. 10, 1979
General Management Plan for Frederick Law Olmsted NHS, Massachusetts	P.L. 96-87, sec. 202(c)	Oct. 12, 1982
Reports on Potential Presidential Sites for Inclusion in the National Park System	16 USC 467b P.L. 96-199	As completed
Wilderness Study for Biscayne NP, Florida	P.L. 96-287, sec. 104 94 Stat. 600	June 28, 1983
Comprehensive Management Plan for Biscayne NP, Florida	P.L. 96-287, sec. 105 94 Stat. 600	June 28, 1982
Wilderness Study for Fort Jefferson NM, Florida	P.L. 96-287, sec. 203 94 Stat. 601	June 28, 1983
Comprehensive General Management Plan for Fort Jefferson NM, Florida	P.L. 96-287, sec. 202 94 Stat. 601	June 28, 1983
Reports on General Management Plans for Units of the National Park System	16 USC 1a-7 P.L. 95-625, sec. 604	Annually
Comprehensive General Management Plan for Georgia O'Keeffe NHS, New Mexico	P.L. 96-344 94 Stat. 1134	Oct. 1, 1983

Title of Report:	Authority for Report:	Due Date or Frequency:
Feasibility Report on Passenger Rail Service from Ogden to Golden Spike NHS, Utah	P.L. 96-344, sec. 7(c) 94 Stat. 1134	Sept. 8, 1982
Feasibility Study for the Protection of the Falls of the Ohio, Kentucky and Ohio	P.L. 96-344, sec. 15 94 Stat. 1137	Oct. 1, 1982
Study of Locations and Events Associated with Man in Space for Potential Addition to the National Park System	P.L. 96-344, sec. 18 94 Stat. 1137	Oct. 1, 1981
Study of Sites Associated with the Life of George Meany	P.L. 96-344, sec. 17 94 Stat. 1137	Oct. 1, 1982
Comprehensive General Management Plan for Martin Luther King, Junior, NHS, Georgia	P.L. 96-428, sec. 8 94 Stat. 1843	Oct. 10, 1983
Report on the Separation of Chuch and State for Quincy Church, Adams NHS, Massachusetts	P.L. 96-435, sec. 2 94 Stat. 1861	Prior to accepting church property
Minor Boundary Changes for Biscayne NP, Florida	P.L. 96-287, sec. 101 94 Stat. 599	Prior to any revision
Submission of National Park System Plan to Congress	P.L. 96-199, sec. 104(b) 94 Stat. 69	Aug. 5, 1980 and each year thereafter
Natural Resources Study Report for Channel Islands NP, California	P.L. 96-199, sec. 203(a) 94 Stat. 75	Oct. 1, 1982 and every 2 years thereafter for ten years
Comprehensive General Management Plan for Channel Islands NP, California	P.L. 96-199, sec. 204(c)(1) 94 Stat. 76	Oct. 1, 1983
Wilderness Study for Channel Islands NP, California	P.L. 96-199, sec. 206 94 Stat. 77	Oct. 1, 1983
List of Additions or Deletions of Chacoan Archeological Sites, New Mexico	P.L. 96-550, sec. 503 94 Stat. 3228	Dec. 19, 1982

Title of Report:	Authority for Report:	Due Date or Frequency:
Joint Management Plan for Archeological Protection Sites in the San Juan Basin, New Mexico	P.L. 96-550, sec. 507(a) 94 Stat. 3230	Oct. 1, 1984
General Management Plan for Chaco Culture NHP, New Mexico	P.L. 96-550, sec. 507(a) 94 Stat. 3230	Oct. 1, 1984
Proposals for Acquisition of Capital Equipment or Land for National Park System Transportation Projects	16 USC 2302(c) P.L. 95-344	60 days prior to action
Plan for the Management, Acquisition, Development and Use of the Appalachian Trail	16 USC 1244(d)	March 21, 1980
Status of Land Acquisition for the Appalachian Trail	16 USC 1249(a)(1)	Annually
General Wilderness Review of Lands Administered by NPS in Alaska	P.L. 96-487, sec. 1317 94 Stat. 2485	Dec. 2, 1985
General Management Plan for James A. Garfield NHS, Ohio	P.L. 96-607, sec. 501 94 Stat. 3540	Sept. 30, 1984
General Management Plan for Women's Rights NHP, New York	P.L. 96-607, sec. 501 94 Stat. 3540	Sept. 30, 1984
Potential Sites for Addition to Mound City Group NM, Ohio	P.L. 96-607, sec. 701(c) 94 Stat. 3541	Sept. 30, 1983
Study of River Corridors in the Twin Cities Metropolitan Area, Minnesota	P.L. 96-607, sec. 904(b) 94 Stat. 3543	775 days after initial funding
Report on Commemoration of Rogers C.B. Morton at Assateague Island NS, Maryland	P.L. 96-607, sec. 1501 94 Stat. 3546	Dec. 29, 1981
Study of Public Access into Indiana Dunes NL, Indiana	P.L. 96-612, sec. 1(11) 94 Stat. 3576	Sept. 30, 1983

Title of Report:	Authority for Report:	Due Date or Frequency:
Joint Study with Forest Service of the Wheeler Geologic Study Area, Colorado	P.L. 96-560, sec. 105(b) 94 Stat. 3269	Dec. 21, 1983
General Management Plan for Boston African American NHS, Massachusetts	P.L. 96-430, sec. 105 94 Stat. 1846	Sept. 30, 1984
Submission of new Boundaries for National Historic Landmark Districts	P.L. 96-515, sec. 201(a) 94 Stat. 2988	Prior to action
Notice of Intent to Nominate Historic Property to World Heritage Committee	P.L. 96-515, sec. 401(b) 94 Stat. 3000	Prior to action
Notice of Intent to Publish Regulations Pertaining to Historic Preservation	P.L. 96-515, sec. 501 94 Stat. 3004	30 days prior to action
Notification of Emergency Regulations Pretaining to Historic Preservation	P.L. 96-515, sec. 501 94 Stat. 3004	Prior to action
Recommendation for Preservation of the Intangible Elements of National Cultural Heritage (jointly with Library of Congress)	P.L. 96-515, sec. 502 94 Stat. 3004	Dec. 11, 1982
Report on the Operation of the Historic Preservation Fund and the National Historic Preservation Program	P.L. 96-515, sec. 504 94 Stat. 3005	June 1, 1986
Study of a Coordinated System of Cultural Parks and Historic Conservation Districts in Urban Areas	P.L. 96-515, sec. 506 94 Stat. 3005	Dec. 11, 1982
Report on Fire in Historic Properties (to be conducted jointly with Treasury Dept., US Fire Admin., and Fed. Insurance Admin.)	P.L. 96-515, sec. 507 94 Stat. 3005	May 11, 1982
Recommendations for management of Kantishna Hills-Dunkle Mine Area, Denali NP, Alaska	P.L. 96-487, sec. 202(3)(b)	Dec. 2, 1983
Report on Management of Subsistence on Federal Lands in Alaska	P.L. 96-487, sec. 813 94 Stat. 2428	Dec. 2, 1984 and every 3 years thereafter
General Management Plan for Each NPS Unit Established or Added Pursuant to Public Law 96-487, Alaska	P.L. 96-487, sec. 1301(a) 94 Stat. 2472	Dec. 2, 1985

Title of Report:	Authority for Report:	Due Date or Frequency:
Notification of Designation or Purchase of Archeological/Paleontological Sites in Excess of 100 Acres, Associated with Certain NPS Units, Alaska	P.L. 96-487, sec. 1304 94 Stat. 2478	Prior to action
Report on Development of Interagency Visitor Centers, Alaska	P.L. 96-487, sec. 1305 94 Stat. 2478	Prior to development of such centers
Joint Study with BLM on Feasibility of Denali NP Scenic Highway, Alaska	P.L. 96-487, sec. 1311 94 Stat. 2481	Dec. 2, 1983
Notification of Intent to Remove or Build Public Use Cabin or Shelter within Wilderness Areas, Alaska	P.L. 96-487, sec. 1315(d) 94 Stat. 2485	Prior to action
Potential Wild and Scenic River Studies on 12 Rivers in Alaska	P.L. 96-487, sec. 604 94 Stat. 2415	Dec. 2, 1983
Impact of 5-year Urban Park and Recreation Recovery Program (Innovation Grant Program)	P.L. 95-625, sec. 1015(a) 92 Stat. 3544	Dec. 31, 1979 and each year thereafter
Report on Overall Impact of Urban Park and Recreation Recovery Program (Final Report)	P.L. 95-625, sec. 1015 92 Stat. 3544	Dec. 31, 1983
Report on Activities Carried Out under the Provisions of the Archeological Resources Protection Act of 1979	P.L. 96-95, sec. 13 93 Stat. 728	Annually
Comprehensive Management Plan for the Pinelands National Reserve, New Jersey	P.L. 95-625, sec. 502 92 Stat. 3492	90 days prior to implementation
Annual Report on Federal Recreation Fees	P.L. 92-347, sec. 2 86 Stat. 461	Annually
Report on Acquisition Cost of Federal Surplus Real Property Conveyed to State and Local Governments for Park Purposes	P.L. 91-485, sec.s 2-4 84 Stat. 1085	Annually
Nationwide Outdoor Recreation Plan-Quinquennial Assessment	P.L. 88-29, sec. 2 77 Stat. 99	Every 5 years beginning 1968

Title of Report:	Authority for Report:	Due Date or Frequency:
Report on the Land and Water Conservation Fund Grant-in-Aid Program to the States	P.L. 94-442, sec. 101 90 Stat. 1317	Annually
Notice of Proposed Expenditure Exceeding $1 million for Land Acquisition in the National Park System or National Forest System	P.L. 95-42 91 Stat. 210	30 days prior to action
Annual Action Programs: for the Execution of the Nationwide Outdoor Recreation Plan	Voluntary	Annually
Report on Historical and Archeological Data for the Preservation of Sites, Objects, Buildings, and Antiquities	P.L. 93-291, sec. 5(c) 88 Stat. 175	Annually, on Sept. 30
Anticipated Damage or Threats to Sites on the Registry of National Landmarks and the National Register of Historic Places	P.L. 94-458, sec. 2 90 Stat. 1940	Annually, on Oct. 1